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U.S. POLICY TOWARD BURMA

4.F 76/1:B 92/3

S. Policy Toward Burma, 103-1 Hea... **EARING**

BEFORE THE

SUBCOMMITTEE ON
ASIA AND THE PACIFIC

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

MARCH 25, 1993

Printed for the use of the Committee on Foreign Affairs



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U.S. POLICY TOWARD BURMA

THURSDAY, MARCH 25, 1993

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON ASIA AND THE PACIFIC,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:40 a.m., in room 2255, Rayburn House Office Building, Hon. Gary L. Ackerman (chairman of the subcommittee) presiding.

Mr. ACKERMAN. The subcommittee will come to order.

The House Subcommittee on Asia and the Pacific meets today to explore the difficult diplomatic and human rights problem represented by Burma.

Burma's recent history is one of turmoil and tragedy. In 1988, the ruling authorities brutally suppressed the pro-democracy movement that threatened their hold on power. Several thousand people were killed and a similar number imprisoned.

In the 4½ years since then, repression and political stalemate have been the lot of the Burmese people. The victors in the 1990 national elections have been forcibly denied an opportunity to assume power. Aung San Suu Kyi, the leader of the political opposition and the winner of the 1991 Nobel Peace Prize, languishes under house arrest. Martial law remains in effect. Human rights are routinely violated. The regime's military campaign against the country's national minorities has driven hundreds of thousands into exile.

The past year, however, has witnessed tantalizing hints of change. Aung San Suu Kyi was permitted a visit from her husband. Some political prisoners have been released. Western news reporters and other visitors are being granted entry visas in increasing numbers. American businesses are being encouraged to invest in Burma. And a national conference or convention, ostensibly convened to draft a new constitution for the country, is currently meeting in Rangoon.

Whether these moves represent a fundamental reorientation in the thinking of Burma's political leadership or only cosmetic changes designed to mask the reality of continued repression remains to be seen. But of one thing we can be sure: the United States must make it clear to the Burmese people that it supports their aspirations for democracy and a political system that safeguards their basic human rights.

Complicating matters further is the fact that Burma is the world's largest producer of opium and heroin. To date, our efforts to erect an effective counternarcotics program in Burma have failed

spectacularly. Whether the present regime in Rangoon is prepared to cooperate with us in fighting this scourge is another matter, and I hope we can examine that as well during this hearing.

We are especially fortunate to be joined today by now one, soon to be, we hope, two of our House colleagues who are most knowledgeable about Burma. Congressman Bill Archer of Texas and Congresswoman Nancy Johnson of Connecticut have recently returned from Burma, where they met with a wide variety of Burmese and American officials as well as private citizens. Having traveled not only to Rangoon but to other parts of the country, they bring to our deliberations firsthand knowledge of current conditions and likely prospects for Burma.

After Representatives Johnson and Archer present their testimony, we will turn our attention to a second panel of witnesses. We are pleased to have all five of today's witnesses here, four-and-a-half right now. You may be assured, each of you, that your full statements will be placed in the record and if you care to summarize them, that would be appreciated as well.

Before calling on our good friend Bill Archer to present his thoughts and testimony to the subcommittee, my good friend Jim Leach I hope would have some comments.

Mr. LEACH. Thank you, Mr. Chairman. I do have a lengthy statement. I would like to ask your permission to simply put it in the record. Let me also welcome Bill Archer and then Nancy when she comes, as well as our witnesses.

I would simply like to stress that I know of very few issues in the world that are more extraordinary in their ramifications for a country and to a region than the ongoing military misrule in Burma. Likewise, to date there have been few issues in which this Congress has been more united with the executive branch than opposing Burma's illegitimate military government.

There are lots of aspects of American foreign policy in which there are many difference of opinion but with regard to Burma, the Congress to date has demonstrated virtually unanimous concern about one of the most appropriately named institutions of the world today, that is SLORC, which is as odious as it is sounding. We in this Congress should want to make it very clear that in terms of ethnic relations with minority religious groups in which Burma has such a toweringly awful record, whether it be heroin production, whether it be civil rights abuses, the United States of America can make no other stand except one of massive disapproval.

But I certainly welcome Mr. Archer, and respect particularly his interest and his visitations to this very troubled land, and welcome with interest, any new perspectives he may bring on U.S. policy toward Burma.

Thank you.

[The prepared statement of Mr. Leach appears in the appendix.]

Mr. ACKERMAN. Thank you very much.

We are joined also by Congressman Matt Martinez.

Congressman, why do you not start out?

**STATEMENT OF THE HON. BILL ARCHER, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF TEXAS**

Mr. ARCHER. Mr. Chairman. Thank you first for holding these hearings, and thank you also for giving me the opportunity to testify.

I have no prepared statement, but I want to make my experiences in Burma or Myanmar beneficial to this committee because I think it is important that this country adopt a policy that will be best designed to further the principles that we believe in plus the economic interests of the United States and one that is designed on a practical basis to do the most for the Burmese people. And it is in that regard that I present myself and I will be glad to respond to any questions that you might have.

Mr. ACKERMAN. Tell us, if you would, your recommendations concerning the status of our Ambassador or lack thereof.

Mr. ARCHER. Well, I personally believe that we make a mistake in not having an ambassador there. We have diplomatic relations, we have an embassy, we have a DCM. And I believe that we can further the best interests of the policies of the United States by having an ambassador on the ground. And that is my opinion, Mr. Chairman, after sensing the situation over there.

Mr. ACKERMAN. Is it so that the existing government does not talk to our DCM?

Mr. ARCHER. No, the existing government does talk to our DCM and our DCM is a gentleman who, in my opinion, is aggressively pursuing the interests of the United States and is definitely recognized as an entity in Burma and yet I think we could do even more to further engagement and progress by having an ambassador there.

My colleague Nancy Johnson has arrived now who was also on the visit with me in February.

Mr. ACKERMAN. Welcome, Congresswoman Johnson. We are delighted to have you here as well. Do you need a moment to catch your breath or do you want to jump right in?

**STATEMENT OF THE HON. NANCY JOHNSON, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF CONNECTICUT**

Mrs. JOHNSON. Well, could I ask a question? Were you able to make time in your hearing schedule for Miriam Segal to testify? I know she is here.

I have read her testimony. I think I have a pretty good idea of what Bill said, and I think the interface between those would be so fruitful for you that I would be happy to yield my time to her.

Mr. ACKERMAN. Well, we do have her testimony, which will be part of the record, and we will see as we proceed if we do have time to question her.

Mrs. JOHNSON. I think her on-the-ground experience is really important to the public discussion of this issue, so I would just confirm what I am sure that Bill has indicated and that is that we were very impressed with the pace of change, both economic and political. And what is interesting about Miriam Segal's statement is that she differentiates between the last 18 months and the years before that.

She was in a position to talk with many, many people in the street and has had years of contacts on which to hear those conversations. And so her description of the difference between the last 18 months and the months before that is very important.

First of all, I think their adoption of the FEC as a transition to a convertible currency is enormously significant. As we went from little shop to little shop, even in outlying towns, we were surprised. The shopkeepers had hardly heard about this but when they heard from our Burmese escorts that they could only use it to buy foreign products or to export, the lights went on immediately. The level at which these folks are thinking about trade and markets is far more advanced than anything that I met on my first trip to Poland or Czechoslovakia or Hungary, for that matter, not so much Hungary but right after their release from Communist control. And it certainly is far more advanced than anything that you see in the former Soviet Union.

So that bespeaks a level of experience over the last couple of years that we should not ignore. This is a rapidly changing society, economically and politically, and the way they talk about their constitutional process is also very interesting and very impressive.

They are faced with a very difficult problem. They not only have many ethnic groups and many languages, but they had a residue of arms after World War II that meant that every group that dissented was also armed. So their experience with terrorism is very profound and very destructive.

Now, all kinds of groups use terrorist tactics for their view of good and bad but it is very destructive in a society to try to deal with ethnic tensions when everybody has explosives. And one of the things that is interesting about Ms. Segal's testimony is that she puts some of her conversations and experience of that particular issue in a context that I think will be very fruitful for you. And since there are so few Americans who have had a lot of experience in this area and came to it with an open mind, I think it is important.

But they not only have the ethnic tensions but also the violence that goes with the drug trade. They are now allowed to pursue across Thailand's border. We are doing nothing to encourage Thailand to cooperate more effectively with them. They have no transportation to get troops to the border to repel what are real incursions, and the outside world's ignorance of that and unwillingness to deal with that is a disadvantage and they are trying to accomplish the goals that we think are important, that is, deal with the drug trade.

There is not any one thing we could do but there are lots of things that we could do and the conversation between us and that government and the outside world and that government is very important.

I would just add one last thing and that is when you talk with them they use terms like foreign entanglements. It is out of a different era of history and they are very afraid of contact with the outside world because they are afraid contact will mean control. And I can appreciate those fears. Those are real fears. And contact has to mean communication and support for proper change but I think we have to be very, very careful about forcing change.

One thing that Ms. Segal says is, now that there is leadership that wants change but in a gradual and orderly manner, it behooves us to question whether we have the knowledge and wisdom to substitute our time table for theirs.

We are allowing other nations, including China, to mold their destinies at their own pace and to deal with this difficult issue of change and oppression, freedom, liberty and market change as they in their societal experience determine, although we do suggest, encourage and pressure. She concludes by saying "I respectfully submit that constructive engagement rather than coercion and sanctions should be our policy in Myanmar." And, frankly, I agree with that absolutely.

Mr. ARCHER. Mr. Chairman, I would share my colleague Nancy Johnson's suggestion that the committee would benefit by having a verbal colloquy with Ms. Segal, since she is in the room at some point during your hearings if you have the time to do so.

Mr. ACKERMAN. Let me just say that I appreciate the fact that you are supportive of this individual's testimony. It will be made part of the record and the subcommittee will meet with her but we have not made arrangements at this point for her to testify at this hearing and we do have, I believe, a very well balanced group of witnesses today, all of whom can say whatever it is that they wish. And if you wish to cite any specific facts as well, either from her testimony or in support of it, that would be welcomed here as well.

If I might ask, we have seen some steps being taken in Burma, especially over the course of the past year. Some people have said that these steps are meaningful and some people have said that these steps are basically cosmetic.

How would you describe the steps that have been taken by the government?

Mr. ARCHER. Well, Mr. Chairman, what I observed in the roughly 6 days that we were there where we went to four major regions of the country was that the change that is occurring there is dramatic. First, economically.

Fifty percent of what was a totally socialized country, with the government running everything, including the corner restaurants, owning and running everything, has now been 50 percent privatized. And their program is to privatize more and more and more as time goes on.

They see their FEC currency which Nancy referred to which is brand new as of February 4th, which permits convertibility in effect because the people can use it freely within the country, and you can take your foreign currency and exchange it on a convertible basis as a way station to ultimate convertibility of their domestic currency, not so much as China has done, which is to keep a permanent installation of an FEC as well as their domestic yuan.

It was interesting to me—I read everything I could get my hands on before we went over there and I was intrigued to go there and to see firsthand what it was like based on what I had read. I happen to be Roman Catholic and I had read articles about the discrimination against Catholics. There are roughly 1 million Catholics in Burma. I was surprised to find that the Minister of Finance is a Roman Catholic and has 11 brothers and sisters, who spoke fluent English. And I asked him about this and he said, well, you

know, that really is a far fetched story. I mean, I can take you to Mass at the church on Sunday, I can let you talk to my friends who are Catholics and that is just not truly supportable.

Now, that was one experience that we had.

How far is the constitutional convention going to go, what kind of movement will it bring, certainly it is a movement in the right direction. What the ultimate result of it will be, nobody knows right now but it is a movement in the right direction.

I personally believe that we can be more influential by having a policy of engagement with Burma rather than disengagement. They are the largest country, as you know, in Southeast Asia. They are 90 percent literate. That is amazing for an underdeveloped country. They have a tremendous potential workforce. They have enormous natural resources.

And they have excellent relations with China, they have a give and take relationship with Thailand but certainly economically it is a very strong relationship. The Thais are coming in and benefiting businesswise and they are also coming in and training Burmese workers in skills to where they can upgrade the value of what they produce.

They basically can get along economically without the United States of America. But I think we can help ourselves more by having a presence there and by continuing to encourage them to move in the right direction and not walling ourselves off from them.

Now, that is my opinion and that is what I would urge as our policy.

Mrs. JOHNSON. I would also add that they are doing intelligent things. A school that they have developed takes high school age kids—

Mr. ACKERMAN. You are referring to the government.

Mrs. JOHNSON. Yes. From different parts of the country and at the school they learn basic—they are all going to be teachers, so they learn basic curriculum but they also must learn at least one other language. And so they are educating them in the ethnic traditions of the eight major groups, so they are trying to build an educational foundation for respect for diversity but unity. It is interesting that they have put the resources into carrying it out.

Their border development plan not only involves crop substitution but also health care facilities and schools. And in many of those border areas there currently are, it is my understanding, no schools. So that impressed me.

Just one last example because one of the things you do get on these kinds of trips is little vignettes that are telling.

Two of the commanders' wives actually work in Rangoon, very well-educated women, one was an economist—

Mr. ACKERMAN. What are commanders?

Mrs. JOHNSON. The commanders of the regions.

Mr. ARCHER. It is still a military government, so the civilian authority as well as the military authority is combined into one person who is normally a general.

Mrs. JOHNSON. And in the most outlying area that we went to, the general's wife had organized the other military wives and actually was going out to the small communities in their area talking about preventive health care and family issues and things like that

and drug prevention. It was sort of a volunteer network, a level of community leadership that is very valuable. And that reflects what we saw over and over again.

And I do not deny that there are also problems but I am trying to tell you some of the changes we see in the making. Many of the military people really are concerned about the development of their society and for this woman to have taken this initiative, changing the role of the military people, was, I think, a little thing that we all ought to know.

Mr. ACKERMAN. The volunteerism you are talking about is on behalf of the military and the commanders not from the people volunteering.

Mrs. JOHNSON. No, no. Sort of mobilizing the female component of the military to be an agent for educating families in the district about health issues, about education issues and things like that. And as she said to me, they come to the meetings because I am the commander's wife but I use that to begin to teach them about how to use the health clinics and so on.

In one area that we were in, this particular area of Myanmar has the highest incidence of snake bite in the world, the highest death rate from snake bite in the world.

Mr. ACKERMAN. A lot of snakes?

Mrs. JOHNSON. Yes. Poisonous snakes. And he had brought the snake bite death rate down to, I think, zero or two a year, I cannot quite remember which. But he had done it, you see, by getting everybody within 2 hours of a health facility.

Now, you do not do that if you are not thinking and planning in a way that we do not often associate with a military government. So there is some concrete evidence of change. And the public health minister who was telling us this had just returned from a Boston public health conference.

Mr. ACKERMAN. Is this something into the category that we learned about in college that we would call enlightened despotism?

Mrs. JOHNSON. Well, it is a transitional government. It is a military government that is seeking to create—and they are very open about this—a sufficiently unified society so that they do not need military authority to hold it together. But I think we underestimate the problems that develop in a society that is ethnically different when weapons are widespread.

Mr. ACKERMAN. Why is that people would need commanders and a military government to impose upon them a health care system if that is what it is? I mean, we are struggling with a health care system also, but if our administration suddenly issued an edict and the president's wife or the First Lady or the commander's wife went around saying this is what we are going to do, I think there would be a little bit of resistance on the part of most Americans.

Mr. ARCHER. Mr. Chairman, we might get to find out the answer to that in our own country shortly.

Mrs. JOHNSON. But also I think that you are looking at it from our point of view rather than from other people's point of view. We are a free society so to have the military do that would be oppressive. They are a military-governed society and it was a very oppressive government. They are trying to move away from that, they are trying to open up, they are trying to make change, they are trying

to get people more involved and economically they are certainly succeeding. Now, this constitutional process is very, very important and key to our judgment of whether they are serious.

Mr. ARCHER. Mr. Chairman, if I might just piggyback a little bit and say that a lot of what you pick up on these kind of trips is not necessarily what you are told, it is what you see. It is observances of certain things.

I was fascinated to see there was no soldier posted on any street in any town. There were no soldiers in evidence. You can walk through the downtown area of Rangoon and you do not see soldiers. I mean, you think of a military government as one where you are going to see evidence of armed soldiers that are clearly present. That is not the case.

Now, you can draw whatever conclusion you want to to that but just to give you the perspective of what you see when you go to the various regions of Burma, on the drug end of things, I think it would be productive for your committee to talk to Charlie Rangel because Charlie was in Burma in October only for 24 hours as I understand it but nevertheless he went in specifically to look at the situation relative to drugs.

From the discussions that I have had with him, and I do not want to speak for him because you should at least informally talk to him about his experiences, we shared a similar conclusion which was that to the degree that the Burmese have the resources that they are doing almost everything they can to eradicate the growing of poppies in their country.

And, as Nancy mentioned, they have a big problem particularly with Thailand because Thailand permits sanctuary to many of the people who process the poppies who make really most of the money out of it and who have armed men that they use to conduct their business. And during the time that we were there, one of the villages inside of the Burmese border was attacked by a group of 300 armed people who were involved with the drug trade who came in and burned houses and killed women and children, 61 villagers, and then of course retreated back across the Thai border.

And as Nancy said, the Burmese have no capability of helicopter lift of their troops and therefore they could not interdict in time and it took them a couple of days before they could get their troops to this area and, of course, then the people who came in and performed the massacre were gone.

And I do think that it is important because Thailand is within your jurisdiction also that we attempt to use what leverage we have on the Thais to cooperate in this effort against the drugs.

But the commanding general of the border area, and I questioned him very thoroughly on this, told me that within 5 years the poppies will be eradicated in the region that he has auspices over. And I said, wait a minute. It took the Thais 30 years. How can you do it in 5? Are you sure? He said it will be done in 5 years.

Our Embassy personnel in Rangoon do not believe that the government in the high reaches of the government, and that is not to speak of the local border officials or whatever which is a far flung thing, but that the high reaches of the government are not involved in the drugs and it came through very clear to us that they really want to get rid of the drugs because the farmers make very little

out of growing poppies. The big money is made by the processors who are mostly over in other countries. And if they can get them on alternate crops so that they can at least have enough to support themselves, and Charlie Rangel would be pleased to talk to you about his experiences over there in this regard, that the farmers want to do it.

They also are concerned because they have 50,000 addicts themselves already in their country and they do not want any more.

I came away convinced that they are very serious about stopping the drugs but they are limited as far as financial resources are concerned.

Mr. ACKERMAN. Mr. Leach.

Mr. LEACH. I would like to defer to Dana, who apparently has another engagement, but let me say I appreciate your testimony. It reflects a little different dimension, but I think we are all learning from your comments.

Mr. ARCHER. Well, let me, if I might, just add that over and over again we brought up to them that they had to do something about Aung San Suu Kyi. And they are aware of that. Now, how they are going to handle it, how they are going to resolve that problem, is something that is their problem. But they have got to figure a way to resolve that problem because the Western world is going to view that as a lightening rod and it is going to be exceedingly difficult for them. And I think again time will tell to see how they do resolve that problem.

Mrs. JOHNSON. We also pressed them hard on this constitutional process that they are involved in. Their goal is at least it appeared to me, to come out with a structure that they feel confident will enable them to have diversity amongst their ethnic groups and a good amount of regional autonomy and at the same time a strong union.

They feel and I believe, and our experience in the world community affirms, that fragmentation and economic progress are probably not a good idea. One of the tragedies in the former Soviet Union is that in the course of trying to make political change trade relations between the republics have dissolved and the economic well being of the people has been deeply affected.

They do want to see trade and the economy of the union develop but they seem also to understand and accept and actually support the importance of the ethnic diversity being reflected in the political organization of the union.

Mr. LEACH. I have a number of questions but I wanted to commit to Dana, he wanted to—

Mr. ROHRABACHER. I do have a markup in my Science, Space and Technology Committee and there are like thousands of jobs in my district depending on that.

Mr. ACKERMAN. Dana, you can take all the time you need now up until when we go to vote because some of us will be coming back after the vote.

Mr. ROHRABACHER. Maybe if I could just maybe ask a couple of questions, and I have some testimony after we come back from voting, if that would be all right.

Mr. ACKERMAN. Will you be able to come back?

Mr. ROHRABACHER. Yes.

Mr. ACKERMAN. Good.

Mr. ROHRABACHER. Bill, and with all due respect to my two colleagues, and I believe them to be committed to democracy and committed to the same values that we all hold, sometimes people who are very committed to this can be misled and be mistaken honestly and I think this is what the case is today.

For example, when someone goes to a foreign country and they do not see troops on the street that can be interpreted as being, number one, that it really is not such a bad dictatorship or it can be interpreted that this is the worst totalitarian dictatorship of all in that everyone is terrorized so they do not need the troops on the street. And whereas most of the human rights organizations in the world, Amnesty International and others, have declared Burma to be one of the worst regimes for human rights in the world, I would suspect, would you not, Bill, that probably the latter is more likely, that people are more terrorized so they do not need the troops on the streets?

Mr. ARCHER. Dana, I do not know. All I can do is tell you what we saw. You have to draw your own conclusions. I am not in a position to be able to make that determination.

Mrs. JOHNSON. I would also say that is why I am disappointed that you are not going to have as part of your spoken testimony today the testimony of Ms. Segal because she actually has been there over many more years than any of us, she has had lots of conversations with local people and she addresses this very specific issue.

Mr. ACKERMAN. Yes. We do not want to downplay the quality of the witnesses, private witnesses, that we have appearing before us as well.

Mrs. JOHNSON. It is just that testimony that gets submitted sometimes does not get read and that worries me.

Mr. ACKERMAN. I am going to read it and I am going to encourage the committee to read it and I wish—you know, perhaps if you had come to us before the start of this hearing and suggested that, perhaps we could have made suitable arrangements for that to happen but in the middle of a hearing we are not going to change the witness list.

Mrs. JOHNSON. We did do that. We have been talking with the committee about this for a week, I think.

Mr. ROHRABACHER. And also the second point is that I do not believe that anyone is suggesting that the United States and the people of the United States do not engage Burma.

The question is whether when you are—in the context of our tradition and of democratic values when you talk about engaging Burma whether you are talking about engaging a regime that does not rely on democratic processes for its power versus engaging its people.

And I realize that in some countries like in China where there is really a significant impact on events in the world if we do not engage directly the government that sometimes there is real politics, as Kissinger would like to talk about it, in play in a decision of our country in these situations.

But in Burma, where the national interest seems to be limited, should not our country in these cases basically take stands for the principles that our forefathers talked about, that we engage the

people and not dictatorships and maybe stand true, at least in those areas? There are other major implications around the world, Bill. I mean, I am just asking you a philosophical question here.

Mr. ARCHER. Well, Dana, we get into this debate relative to China and a lot of other countries and genuine, sincere, freedom loving people can disagree as to the best approach to move and use leverage on others around the world.

The one thing that we have not seen produce results that I know of in any instance is economic sanctions. And particularly where we cannot get the rest of the world to cooperate with us. And I think any effort at economic sanctions against Burma would be counter-productive because their neighbors are willing to continue to trade with them. And as a result, they are not going to be shut off from access to the rest of the world. And we can say, oh, we have done this wonderful thing but the result will not be productive.

Mr. ROHRABACHER. Well, for example in the——

Mr. ACKERMAN. Will the gentleman yield?

Mr. ROHRABACHER. Sure.

Mr. ACKERMAN. Why would or would not this constructive engagement be any different than the policy that we had for a while with regard to the Union of South Africa or Cuba? Constructive engagement.

Mr. ARCHER. Well, we have had—Mr. Chairman, as I understand it, we have had economic sanctions against Cuba for many years and I do not see that we have moved their government to any degree. I still hear Castro saying the same things that he said 30 or 40 years ago.

Mr. ACKERMAN. Are you suggesting we abandon that policy toward Cuba?

Mr. ARCHER. No, I am not suggesting that. I am just saying I do not think it is effective.

Mr. ACKERMAN. Well, if the policy is not effective, why do we have it? Should we not be applying——

Mr. ARCHER. That is something your committee, I think, might want to look at.

Mrs. JOHNSON. Right.

Mr. ACKERMAN. But we do not have Cuba within our jurisdiction.

Mr. ARCHER. No, I do not mean your subcommittee, your committee.

Mrs. JOHNSON. Let me make this analogy. Look what we accomplished with Voice of America in promoting change in the former Soviet Union. One of the pivotal experiences was that the people of those republics found out about Chernobyl from Voice of America, not from their own government.

Communication does matter. It promotes more rapid change, economic and political, than embargoes and isolation.

This is a nation that is currently in isolation. They have just allowed their own people to travel. Why do we not encourage them to travel?

Mr. ACKERMAN. Will both of you be able to come back after the vote?

Mr. ARCHER. I have to testify before another committee at 11:30, Mr. Chairman. I would love to, but I am not going to be able to.

Mrs. JOHNSON. I will come back when I see where the debate is on the floor. I have to speak on this issue.

Mr. LEACH. Mr. Chairman, could I just say that on behalf of the minority that this is very impressive testimony because it runs against the tide of popular opinion and, frankly, I do not know if I am persuaded at all, Bill, but I am very appreciative of both of your statements as being particularly thoughtful and particularly courageous and I am very appreciative.

Mr. ROHRABACHER. And, Mr. Chairman, if I could echo that. Where I disagree with the two witnesses, I would like to commend them for having the courage to step up because we have had discussions off on the side of the floor on several occasions and had some disagreements but it did take a lot of courage to step forward with this honest analysis that they have and I believe they honestly believe in what they are presenting and we certainly consider all the points that have been made.

Mrs. JOHNSON. In case we cannot come back, let me just make one comment.

We certainly could have been misled and mistaken. Of course we could have. We were only there 5 days. We were always under escort. We understand that.

But, those who get bound into the other point of view can also miss very important change and I think America ought to be very sensitive to the human rights record that we currently have as a nation, especially when we cannot defend the security of the children and women in any major city in America.

So I think we ought to be rather humble about castigating other societies, especially when they are clearly in a process of change that has some very fruitful and positive aspects to it. We at least deserve to send an ambassador and get to know them better.

Mr. ACKERMAN. You are not suggesting that the conditions here have any similarity to any other nation.

Mrs. JOHNSON. I think that we toss that off far too lightly, Mr. Chairman. Many people in our big cities have few civil rights.

Mr. ROHRABACHER. Mr. Chairman——

Mrs. JOHNSON. I mean, they do under law but functionally it is abominable.

Mr. ACKERMAN. I respectfully would like to——

Mrs. JOHNSON. I know no one agrees with me on that.

Mr. ACKERMAN. I respectfully would like to agree that this country is not necessarily the Garden of Eden but it is not a den of iniquity either, and I think that we perhaps have the greatest record of human rights despite the fact we have a long way to go and many of us have championed the cause. I do not know that I would agree with that.

Mr. ROHRABACHER. Nancy, with all due respect, do you not see the difference between having somebody raped and murdered down here than having their government rape them and murder them, for Pete's sakes?

Mrs. JOHNSON. Of course I do see the difference, Dana. But I worry about America's willingness to judge others——

Mr. ACKERMAN. We have 2 minutes to make the vote and I hate to break it up at this point but——

Mr. ARCHER. Thank you, Mr. Chairman.

Mr. ACKERMAN. We will stand in recess and hopefully everybody will be back.

[Recess.]

Mr. ACKERMAN. The subcommittee will reconvene.

While we try to determine if our colleagues are returning after the last vote, we will hear next from Mr. Rohrabacher.

Mr. ROHRBACHER. Mr. Chairman, I appreciate this opportunity to testify and I appreciate your decision to hold these hearings in the first place. So many Americans are unaware that there is a nation of over 40 million people who are suffering under a horrible terror and persecution and there is so much attention on other countries of the world that are much smaller and I know that some people say that if you ask the average American what Burma was and they would say it has something to do with shaving cream.

We are here trying to alert the American people there is a country of 40 million souls who are suffering the same plight as the people in Somalia, for example, or Iraq, Bosnia and other places where tyranny steals the dignity and freedom by brute force of their own people.

We may not have a vital or strategic interest at stake in Burma aside from the narcotics issue but for the people living in Burma, hearings like this and our Government's approach toward Burma are considered a matter of life and death and perhaps a symbol of hope, which they might give up hope if we were not making stands and not paying attention.

During my last trip to the Thai-Burma border, I will never forget the afternoon that I visited in a clinic with Burmese refugees. I spoke to a young patient who was lying on a poncho on a dirt floor. He was probably in his late teens. We had been there for just a day and he had just arrived from some ramshackle clinic in Burma. Well, as I toured the clinic, I came back to see him less than an hour later just to whisper some other words of encouragement, and he was dead and his body had been taken away during that very short time period.

Mr. Chairman, Burma is a place that I have taken special interest in and I have spent much time and effort to understand the situation. I have also gotten to know the people of Burma in the process and I can report to you, Mr. Chairman, that I have come to respect the people of Burma. They are humble, gentle people, a peace loving people. And I believe that it is the very humane and human virtues and this passive nature of a freedom loving people which the Burmese regime has exploited in order to oppress these very people.

Win Ko, the finance minister of the legitimately elected government of Burma, someone with whom I have met with and I have gotten to know, unfortunately was recently assassinated. Student leaders of the democratic movement who I got to know during my visits to the Thai-Burma border, since then many of them have been killed and many others, including the 10-year-old niece of Bo Mya who is the leader of the Karen people, are dead.

Mr. Chairman, any reports that we hear that positive changes are taking place in Burma I believe are totally misleading and perhaps by people who have been totally misled. And as someone who has watched the situation very carefully for many years, it is

my belief that the situation in Burma today in terms of human freedom is as bad as it has ever been.

If things were so good in Burma, for example, why was not I, who have some background in Burma, permitted a visa by the Rangoon government to visit there when I requested on 3 months ago?

If the situation is improving, why is Aung San Suu Kyi, the recipient of the 1991 Nobel Peace Prize, still under house arrest?

Why were her other laureates denied visas to Burma?

Why are the Kareni people used as forced labor to build railroads through mountains and jungles of their own country?

Why do refugees continue to stream out of Burma and why have millions of people been forcibly relocated inside Burma?

Perhaps there is no need to have troops on a corner because people have been taken out and put in relocation camps and perhaps there is a level of terror that has discouraged anyone from stepping forward.

What happened to all these people and what has happened, for example, to even the people who were elected to lead Burma in their last elections in May of 1990? Where are these people?

Many of them, most of them, have been incarcerated or have had to flee for fear of their own lives.

Ethnic cleansing is a new term we use for genocide, but is an old idea in Burma. Let me remind my colleagues today of reports that we saw on CNN last fall of tens of thousands of Muslims who were systematically and brutally forced from Burma into Bangladesh by the Burmese army. Many of these, hundreds of thousands of these people still remain in Bangladesh in wretched conditions.

For anyone who would like to come to my office, I will be happy to show them a video of Burmese soldiers admitting that they were ordered to deliberately attack Baptist and Catholic churches.

The Burmese war against the Karen and other ethnic peoples is well known and it has been going on and it is very similar to what China has been doing to Tibet. With the help of Peking, the Burmese regime is tightening its grip in Burma and I happen to believe that the current regime in Burma is an outlaw regime. It should be treated as an outlaw regime, lumped together with Cuba, Serbia, China, Iraq, North Korea, Sudan perhaps, Iran, Libya, Vietnam and other totalitarian states which cling to power—these regimes, they cling to power for fear that if they lose power they themselves will be brought to justice.

And when we talk about engaging Burma, we should not mistake engaging Burma with engaging the people of Burma because the Burmese regime is not a legitimate government by our own definition, by American standards, of a regime that has the consent of the governed.

Let me add a word of caution to those who sometimes might wish to see positive steps in Burma. There are many signs but there is no conclusive proof that I have to show you today that the Burmese regime is directly benefiting from the heroin crop. But I can guarantee you the truth will come out about the Burmese regime, about this dictatorial regime's involvement in narcotics business and how it affects Americans and people around the world.

There are great amounts of weaponry that are being purchased by this regime. Where do they get the money to purchase the weapons?

In this totally impoverished country, where do they get the money to buy the weapons?

I can assure you they are not being extended credit by their benevolent friends in China and elsewhere. I would surmise they were getting it from involvement in the drug trade but I have no evidence to that at this moment.

Mr. Chairman, I would not give the Burmese the benefit of the doubt. They have parked wooden helicopters in poppy fields to try to fool our satellite intelligence——

Mr. ACKERMAN. The government?

Mr. ROHRBACHER. The government. While at the same time blaming attacks on villages—for example, we heard about the attack that our colleagues were told about and it is the Pang Tan Yee village in the Shuan state. And I will be looking into that attack to see if it indeed was an attack carried out by a drug lord or, as has been so often the case and documented over and over again, that Burmese forces of the military were attacking and committing acts of genocide in these ethnic areas. That can be documented over and over again. Whether or not this one village was attacked by a drug lord or not, there are other many documentable cases.

So I happen to believe that SLORC regime led by Ne Win and his stooges are a criminal regime which deserve our utmost severe policies, utmost to the point just beyond a point of war, as far as I am concerned. We should not be declaring war on this regime, it is not in our interest to do so, but we should go every step short, of supporting those people who are struggling against this regime.

Contrary to our analysis, which indicates that we have few options in Burma, I believe that if America aligns its policy with the values of human rights and commitment to democracy that we can have a strong and a positive influence on what is going on in Burma. Influencing what goes on in Burma does not mean trying to influence a dictatorial regime or trying to placate a group of tyrants or trying to get favor to convince a gangster to take one step or another. We can influence events in Burma by standing strong for democracy and that is exactly what we should be doing.

In closing, let me list a few things I believe that we should be doing and can be doing to bring about more freedom in Burma which will, I might add, freedom in Burma will lead to a more prosperous and a more secure and a more stable Southeast Asia.

First, we should support nonviolent efforts like Radio Free Asia and also where there are other broadcasts in order to provide humanitarian programs, in order to provide at least a strong voice for freedom in that country. And that is not contrary to trying to—there is nothing contrary to what we have heard today to actually having a strong voice for freedom via our broadcast outlets.

In fact, I happen to believe if we strengthen our broadcast outlets, the regime will probably not want us to do that and it will probably create friction as compared to the last testimony that we just heard.

We could have pro-humanitarian programs to assist the democratic forces in Burma. For example, we could support the Burmese

democratic movement with communications gear as well as all sorts of humanitarian medical assistance. And we should have, for example, a special representative assigned to maintain official contact with those people who are struggling for freedom in Burma.

There have been elections held in that country and those elections now which we should consider—that means the legitimate government is someone else other than the people who hold power. And if we believe in what we say, that government derives its just powers from the consent of the government, that we should seek out the legitimate government, which are those people who were elected, rather than those dictators that have a reign of terror in their country.

We should also stop talking about an antinarcotics program with the Burmese regime and consider perhaps working more closely with the Thais. I am not saying the Thai Government is absolutely perfect but as compared the Burmese regime, the Thai regime are a bunch of angels compared to the Burmese regime and we should work and try to perfect and try to help correct the problems in Thailand, where they exist, but in no way have anything to do with this regime which I am convinced will eventually be shown to be involved with narcotics trafficking.

After all, Mr. Chairman, if this regime has no problem with torturing its people, if they have no problem with the rapes and the murders that are going on there, why would they just voluntarily refrain from being involved with the drug traffic? Because they are moral? I think not.

I happen to believe that we should also be looking at China and trying to use our influence on China, conditioning most favored nation status, for example, on their relationship with Burma and other dictatorial regimes. We should let them know that it is not in their interests in dealing with the United States, the Chinese that is, if they are bolstering regimes like we find in Burma.

Finally, I would take this opportunity to acknowledge that the National Endowment for Democracy and the International Republican Institute should be playing a more important role in developing democracy in Burma. It seems to me that if there is one country that can prove to the world that during our 40 years in conflict with the Soviet Union that we were not just anti-Communist, we literally were in favor of freedom, it is what we do now with Burma, because we can prove to the world that, yes, we do believe in democracy and all of this was not just in our interests in these last 40 years but was based on some true values that our people hold and the philosophy of our Government.

So I am looking forward to working with you, Mr. Chairman, and the other members of this subcommittee and our colleagues, hopefully to prove to the world and to prove to the people of Burma that they have some people they can count on if they are struggling for freedom. And that should be true for any people in the world.

Thank you very much, Mr. Chairman.

Mr. ACKERMAN. Thank you very much for refocusing us. I appreciate your very thoughtful, enlightened comments on this matter. Evidently you have given it quite a considerable amount of thought and certainly you are, I believe, the most active Member in the House on this particular issue.

If I might ask you a question, how many times have you been to Burma in the last 5 years?

Mr. ROHRABACHER. Twice. Well, actually, it was right along the border and sort of in Burma but not—I did not go in through Rangoon, let us put it that way.

Mr. ACKERMAN. Why not?

Mr. ROHRABACHER. We asked permission to go in; I was denied visas. But earlier on, I felt that it was important for me to talk to the people who were being victimized rather than getting a tour by the government and in 1988 I went into the jungles near the Thai-Burma border and met with the students——

Mr. ACKERMAN. Without the permission of the government?

Mr. ROHRABACHER. I am afraid so.

Mr. ACKERMAN. How is it that our colleagues were able to get in officially and that you were not allowed to get in officially?

Mr. ROHRABACHER. I think that there is a real threat when you are dealing with any totalitarian regime that they want to control the flow of information and they want to control the people who are able to come and view the situation.

And with due respect to my colleagues, I do not believe that they had a background and knew the players and knew the historic background which would lead them to be able to make the inquiries that were necessary to understand why troops are not on every street corner.

I mean, it is very telling when you hear testimony that someone was having tea with the wife of one of the military commanders. I do not think that is where you get accurate information about what is going on in a society.

I went into the jungle areas and I have also been at the Thai-Burma border talking to refugees. And I happen to believe that during World War II the best perspective on Nazi Germany was not really hobnobbing with Goebel's wife or something like that, that perhaps it might have been from some of the refugees that were coming out of the country to determine what the nature of that government was.

They closely regulate who goes in the country and I would believe that no one should be going there. I do not believe that any American elected official should go to Burma unless that official is permitted to Aung San Suu Kyi because Aung San Suu Kyi represents the true Government of Burma and what we are talking about with the other group is just a bunch of gangsters who have power.

Mr. ACKERMAN. Do you know if our colleagues—I am sorry they have not come back and we will have discussions with them after the hearing—do you know if they had requested to visit with her?

Mr. ROHRABACHER. I do not know. But I would recommend to any of our colleagues who plan to visit that area in the future that that be one demand that we make. And I believe it could do some good.

Mr. ACKERMAN. Let me thank you very much for your testimony. You are an invaluable member of this subcommittee and our full committee as well. And I particularly want to thank you for your specific recommendations. It is not too often that we hear specificity with regard to recommendations at some of our hearings.

Presently we are going to call our second panel. If you would just come up and take your seats.

Professor Josef Silverstein, Professor Emeritus at Rutgers University; Professor David Steinberg, Professor at Georgetown University, and Maureen Aung-Thwin, who sits on the boards of Asia Watch and Burma Studies Foundation, but we want to indicate today that she is testifying here as a private citizen on her own behalf and not as a representative of either or any of the groups to which she might belong.

Inasmuch as the vote is being called, before our witnesses have spoken, rather than suffering the interruption and the discord that that usually engenders, I think we will break at this point. We will run over to vote and be back as quickly as we can to try to guarantee as much as we can some kind of continuity in the testimony.

[Recess.]

Mr. ACKERMAN. The committee will come to order.

Let me, if I might, just say a couple of words before the witnesses speak. I was trying to be constrained during the testimony of the previous witnesses, during which a recurring theme was brought to our attention, and that was that Burma is indeed a nation of great national resources and how important those resources indeed were and how rich the country was in having them.

Those kinds of resources seem to me to have a shelf life, usually a pretty long shelf life, whether they are hard minerals or soft or liquid or gaseous. They will be there next week or next month or next year or 10 years from now to be mined, taken, harvested or what have you. But my greater concern is basically the human resources that exist within Burma and the country certainly appears to be rich in those as well.

What happens when we trade one for the other is really the question that some of us try to ponder. What happens to an entire generation or more of young people if not allowed to flourish to their full capacity if they are subjected to any kind of oppression, which there seems to be some dispute in the minds of some whether or not that is true. But nonetheless, it is those young people and, indeed, all people living within any society, that we must be concerned with first. And I would be very interested in hearing from our witnesses any commentary upon that area.

But nonetheless, your entire testimony, each of our three witnesses who have already been introduced, your entire testimony will be made a part of the official record and you may proceed to either summarize or divert from it or make any comments that you want.

And first we will have Dr. Steinberg, because I understand you do have to make a plane, and if there are any questions we will ask them of you first and then we will go on to the other two, if that is OK with the rest of the panel.

Dr. Steinberg.

Mr. LEACH. Mr. Chairman, may I just comment?

We are pleased that the three of you did stay. Thank you.

STATEMENT OF DAVID STEINBERG, PROFESSOR, GEORGETOWN UNIVERSITY

Mr. STEINBERG. I consider it an honor to be here.

Let me just say that I have been watching Burma since 1955. I have lived there 4 years. I was the Director of Burma, Thailand and Philippines in AID. I renegotiated the AID reentry to Burma. And I was last in Burma in June, 1992.

My written statement is divided into the generic aspects of U.S. policy and then U.S. interests in Burma and these are, in my view, the highest is the issue of the illegal narcotics and the second being regional stability. We do have a bilateral treaty with Thailand and Burma has become increasingly a site for Chinese and Indian rivalry since the somewhat opening of that economy.

We are interested economically and, of course, we have human rights interests.

In order to consider U.S. policy, we have to look also at the Burmese perceptions of the world and their own situation. And I believe that the leadership, the SLORC leadership, really believes the propaganda that they put out. They are a very isolated group in spite of the increasing business contacts and people visiting there. And they, I would argue, really believe that the unity and integrity of the Burmese state is in danger and that foreign forces are subverting that and that the civilian politicians within the state have failed and that the army is the only unifying force in the country.

I do not necessarily agree with all of those but I say these, I believe, are their perceptions.

Now, there are certain realities that affect all of this and one is that while General Ne Win could cutoff Burma in 1962 after his coup, the SLORC cannot cutoff Burma today. The communications technology has meant that the country is open and people do learn.

The SLORC is concerned about foreign criticism and that is why they have let people in, including myself. The SLORC will, I believe, try to ameliorate the bad impression that they have in the world and they recognize that they have a bad reputation.

And we have to understand in Burma that power is very highly personalized and thus it is very important for us to know the critical actors at all levels in that society.

We also should understand the dominant role that the Chinese have begun to play in that economy. They basically have Burma as a subsidiary of Yunnan Province in terms of economics.

We have to understand also that the United Nations Security Council is unlikely to do anything in terms of embargoes because of a potential Chinese veto, and we should also understand that Burma's borders traditionally and still are terribly porous on all sides, so there is a great deal of smuggling.

We should understand that we have very little economic leverage. We have some moral leverage, I believe. And that we can see that the donor unity, aside from China, is about to split because it is quite clear to me that Japan will try and resume lending to Burma very soon and that becomes a very important point.

And that there are likely, given the history of Burma's factionalism, both in the military and outside the military, to be factions within the Burmese military over time and it is evident that we should be aware of those and understand how to deal with them.

On U.S. policy, I would like to make a series of recommendations. It is very important that the United States have high level dialogue with Burma and I support the others who have said that

we should have an ambassador there so that U.S. interests can be articulated at a credible level. I think we should have a series of other dialogues and therefore I would like to see military attaches assigned to our Embassy, although I do not want to see any military training or any military aid program. But I believe that whether we like it or not, the military can talk to each other and in a manner that is somewhat different from us civilians talking.

I think that we should try to work with the Japanese in developing a common policy to discourage them from restarting their economic cooperation without overall donor support from the OECD in Paris and without very significant and demonstrable changes, both political and economic. I think we should also discourage the World Bank and the Asian Development Bank from lending at this time.

I think we should continue our arms embargo and we should talk privately to the Chinese during the most favored nation negotiations this spring about their arms supply to Burma, although I recognize that that could not be part of a formal agenda.

I think we should also continuously work with the ASEAN nations and that perhaps a new and stronger government in Thailand which is less dependent on the Thai military may be interested in making some changes in their foreign policy.

I believe that the U.S. bilaterally and unequivocally and publicly should endorse and reaffirm the territorial integrity of the Burmese state because there real and historical reasons for the Burmese to be concerned about that territorial integrity. And we should encourage the neighbors of Burma to do the same thing.

We should warn U.S. businesses about the instability of the state and, in the absence of pervasive and persuasive political and economic reforms that they are perhaps in danger of antagonizing a new regime that may come in should they pursue policies that are inappropriate.

I think that we should look and see whether there are avenues of training and information that we can supply to the Burmese without providing money. I do not believe in the reinstitution of a foreign aid program except when such changes are real and apparent and then we should move very judiciously and carefully incrementally to provide assistance or recommend others provide assistance when those changes are actual and not just promised.

I think also that we should encourage the United Nations to continue their review of the human rights situation and we should, of course, insist on the release of all political prisoners, Aung San Suu Kyi certainly included but not limited to her at all. There are other important individuals who are under arrest and in jail, not just under house arrest.

We also should understand, I believe, that the Burmese need to solve their own problems. We can provide a stimulus to do that but they will be in charge of their own future. And we should also recognize that the military will be in an important role, whatever the government. If there were a democratic government tomorrow in Burma, I would argue that the military will continue to play a role.

And we should also understand that if we appoint an ambassador that the Burmese Government will use that for their legitimacy purposes but I think that that advantage to them is an

ephemeral one and can be overcome through our own international media.

In relation to some of the comments that were made this morning, I would like to say that I believe that there have been changes in the past 9 months or so, a year, but those changes are tactical, that the concept of power, the use of power, the locus of power will remain with the military. And it is evident from the statements made at the national convention where the military have publicly said that they will continue their traditional role of authority in the government.

I think that the military have scripted a plan for a new constitution. I have no evidence except a sort of long-range look at the situation. And that what we may find is an Indonesia model evolving. In other words, a model in which the military take a certain number of seats in the national assembly. In Indonesia, 20 percent of the seats are reserved for the military. This would give them considerable control.

I think you will see the development of a multiparty system, not democratic but multiparty, as the SLORC has promised, and I think you will also see a civilianized government as opposed to a civilian government. In other words, the military will be there in mufti and will retain the essential elements of control, not only coercive control through the armed forces but also administrative control through retired officers or through the national assembly.

I am worried about some of the statements earlier because I believe that they do not reflect the reality of the situation there. I have no personal knowledge of the narcotics trade. I would not deign to talk about that because it is beyond the scope of my competence. But for those of us who have watched Burma for many, many years, it seems evident that the military has agreed among themselves that they will retain power. Our hope for a democratic government comes with either splits in the military where some of the military disagree with some of the other military leadership or a popular uprising which would be bloody as that in 1988.

I think we need to talk to these people, though. I think we need to have a dialogue or a set of dialogues about the future. I recognize the limitations on our capacity to influence them, however.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Steinberg appears in the appendix.]

Mr. ACKERMAN. Thank you, Dr. Steinberg.

When you say we should engage in a dialogue with these people, which people are you referring to?

Mr. STEINBERG. I think we should be engaging in a dialogue with the SLORC, any government coming out of the SLORC, with the military at all levels insofar as they allow us to do so because they have not enabled foreigners to meet many of the critical military people. And some of the ones that we meet are only done on sort of formal occasions, nonsubstantive occasions.

We should be talking to the opposition. We should be talking to people on the border as well. I think that our role should be to understand the dynamics of power and the changing situation in Burma because I do believe that the situation is changing, although I do not think fundamental shifts in power will result.

Mr. ACKERMAN. Should we precondition our talking with the government to our ability to talk to whoever else in the country we might want to speak with?

Mr. STEINBERG. I do not think so. I think we should start with an ambassadorial position and move from there. I think we should try and see Aung San Suu Kyi and other people.

I think that her release will relate to the dynamics of power among the SLORC and among the military because some people may eventually realize that it is not in their long-term interests to continue her house arrest.

Mr. ACKERMAN. Much has been said in the past few weeks vis-a-vis Russia that perhaps we should not be looking at one individual or looking at personalities, but looking at the system rather than individuals.

Why should we put so much weight behind the status of Aung San Suu Kyi in determining what our policy should be in Burma?

Mr. STEINBERG. I think we should not put our weight behind any one individual as a sole policy issue. I think we ought to deal institutionally and the army, unfortunately, is the most cohesive institution in that society at the present time. So I think we have to deal with them.

When I was in Rangoon in June, I was asked why do all foreigners think Aung San Suu Kyi is the only person who can lead this country? And I said all foreigners do not think that she is the only person but that she is a person who could lead the country. And the perception on the part of many of the military leadership seems to be that we are putting all our emphasis on her alone.

It is easier for us to symbolize our interest in democracy and rights through a single individual. Amnesty International, of course, does that as a matter of policy. And while we might want to deal with the issues more abstractly, it is in a way helpful to talk about an individual who so obviously has suffered and who has written so eloquently about democracy and rights.

Mr. ACKERMAN. You stated that you disagreed with the testimony of the previous panel. Does that mean all of it, some of it, most of it?

Mr. STEINBERG. No. I believe that we should have an ambassador, I think we all agree on that. I do not believe the changes are fundamental. I do not believe that they are moving toward a democratic government. I think that we have to be very cautious in expecting fundamental change because if you read what the military has written about themselves, they have indicated they are going to be in control in their traditional way, as they say.

Mr. ACKERMAN. Tell us your perception of the press in Burma.

Mr. STEINBERG. The press is absolutely controlled. There is nothing that gets in The Working People's Daily or is on radio or television that the military does not control.

When I was there in June, I was followed around by the press on official functions, I was on television, I was in The Working People's Daily. At the end of the trip, I turned to one man and I said, you know, the most significant thing about this is that the press never asked me one question in 6 days there. It would be unheard of here. The press would be asking my views on everything, even views on things I have no competence to describe, of course.

Mr. ACKERMAN. Like the old Soviet televisions having three stations. You watched one and two watched you. [Laughter.]

Mr. STEINBERG. That is correct. There is a pervasive intelligence network. Whether troops are in the street or not is not quite relevant at this stage of development. But any visitor has to report to block chairmen. When a visitor comes into a new area of a town, there has to be reporting on who is there and what they are doing.

It is a very, very controlled state. And it is not insignificant that the critical people who have emerged historically since the 1960's have been leaders of military intelligence.

Mr. ACKERMAN. We are going to go for another 6 minutes or so and then we will break for two votes in succession and come back.

Mr. Leach.

Mr. LEACH. You mentioned the issue, Mr. Steinberg, of territorial integrity. Where do you see the encroachments on territory? It is from China, is it Thailand?

Mr. STEINBERG. Historically there have been elements. After all, the United States did support the Kuomintang, the Chinese were interested in moving their borders, the Thais supported several different rebellions in the past. And some of the minority groups had opted for independence earlier.

Mr. LEACH. Are you talking about interior integrity or are you talking about exterior integrity?

Mr. STEINBERG. I am talking about the split off of some of the minority areas to become independent, a la the Soviet Union.

Mr. LEACH. So interior integrity.

Mr. STEINBERG. Now, this is not true any more. But I do not believe the SLORC really understands that it is not true any more. That is my point, that I think that it is important to reassure the SLORC that no one is interested in a series—a Balkanized situation in the former Union of Burma because quite clearly that would be unstable and if we are interested in anything in that region, it is stability.

Mr. LEACH. Fair enough.

Let me ask you about the credibility of a question and an answer.

If a foreign parliamentarian were to visit a high ranking official of a state and were to ask whether you are involved in the drug trade, and that person were to respond negatively, should that be taken either as a serious question or a sincere response?

Mr. STEINBERG. I think that you would get the answer that you expected. As I say, I have no evidence that they are. It is very clear that the extensive drug trade could not exist at least without official connivance at the local level in terms of either transit taxes or some other taxes. Whether they are involved in production, I cannot say.

Professor Silverstein has followed that far more closely than I have. However, there have been charges that the amount of foreign exchange that the country has could only come from drug trade. I am not sure that that is true but certainly that has been in the press, in the Far East Economic Review, for example.

Mr. LEACH. You have mentioned that everybody seemed to be in agreement on the appointment of an ambassador. Does that apply to the other two witnesses?

Ms. AUNG-THWIN. With qualifications.

Mr. LEACH. With qualifications.

And you, sir?

Mr. SILVERSTEIN. Yes. I definitely believe we should. And I have something to say about that.

Mr. LEACH. Fair enough. Well, we will wait for that testimony.

Mr. SILVERSTEIN. Surely.

Mr. LEACH. I would only like to stress that the history of the United States is that ambassadorial appointments do not imply moral approval of governments. They simply imply that there is a government in fact that exists.

Mr. STEINBERG. Mr. Congressman, last February, a year ago February, I testified before the Senate committee on appointment of an ambassador and I made exactly that point, that historically that has been true. And I think that we need an ambassador in Rangoon to have a credible expression of U.S. interests in the region and U.S. expectations.

Mr. LEACH. I thank the chairman.

Mr. ACKERMAN. Thank you.

Listening to some of the testimony that we heard before specifically from two different members of the House and just trying to listen to them echoing in my mind, if I could just place them back to back, Mr. Rohrabacher has said that the previous finance minister had been murdered.

Mr. STEINBERG. That is correct.

Mr. ACKERMAN. And therefore lost his position in addition to his life.

We heard Mr. Archer say, I believe, that he met with the finance minister, I presume that is the one that is alive.

Mr. STEINBERG. There is a new one. That is General Abel. Yes.

Mr. ACKERMAN. And that he was a Catholic with 5 or 6 or 11, maybe 5 and 6, children and QED there was no discrimination against Catholics. Roman Catholics.

Is there no discrimination against Roman Catholics or is there no discrimination against Roman Catholics who succeed their assassinated predecessors?

Mr. SILVERSTEIN. They are separate. The two do not go together.

Mr. STEINBERG. No, the two do not go together. But the issue is the present minister of planning and finance is not ethnically Burman. He is Anglo-Burman and he was not an original member of the SLORC.

There has been an attempt by the Burmans as an ethnic group to control that society. They are two-thirds of the population. But if you are a minority, you play the Burman game if you want to rise in positions. And there have been people who have risen quite fast.

Mr. ACKERMAN. That is basically the thrust of my question. I know they are not the same person but one was assassinated, I guess it is a pretty good clue to the next guy that you play ball.

Mr. SILVERSTEIN. He was the opposition.

Ms. AUNG-THWIN. He was the opposition.

Mr. STEINBERG. Yes.

Mr. ACKERMAN. The one who was assassinated was the opposition?

Mr. SILVERSTEIN. Yes.

Mr. STEINBERG. Right.

Ms. AUNG-THWIN. In exile.

Mr. SILVERSTEIN. The government in opposition that is located in Manipur. He was elected to the parliament in 1990 and was assassinated in China.

Mr. ACKERMAN. By?

Mr. SILVERSTEIN. Well, it is believed to be the SLORC.

Mr. ACKERMAN. Who then appointed this new guy.

Ms. AUNG-THWIN. No.

Mr. SILVERSTEIN. No, no. The other man has been there from day one.

Mr. STEINBERG. Yes.

Mr. ACKERMAN. I see.

Mr. STEINBERG. And he is there because—he was former minister of planning and finance and trade and he was there because he was the guy who spoke English best of all the people close to the military and could deal with foreigners most effectively.

Mr. ACKERMAN. Is that evidence that there is no discrimination against Catholics?

Mr. STEINBERG. The question of discrimination—there are churches, people go to church all the time in the major cities in Burma. That is not an issue. The government has not been systematically destroyed religion. I think that has not ever been a charge.

Mr. ACKERMAN. There is freedom of religion, then?

Mr. STEINBERG. There is freedom of religion, 98 or whatever percent of the Burmans are Buddhist and the culture that the military is trying to defend in their own argument is essentially a Burman-Buddhist culture. You can be a minority member. You can be a Catholic or you can be a Protestant and you can be a Muslim occasionally. The Arakan issue and the Muslim refugees are somewhat different.

Mr. ACKERMAN. You can be a Muslim occasionally? [Laughter.]

Mr. STEINBERG. There are Muslims who have risen to high positions also. But the real power still is not in their hands.

Mr. LEACH. Well, I think we should vote but I think it should be on the record that there are tens of thousands of Muslim refugees—

Mr. STEINBERG. Oh, yes.

Mr. LEACH [continuing]. Individuals who presumably think that there is some injustice in the society.

Mr. STEINBERG. In that particular area, in that region, yes. There is no question about that. And there has been harassment going back to 1978 when a couple hundred thousand Muslims went into Bangladesh at that time and most of them came back.

Mr. LEACH. And I think it ought to be in the record that Bangladesh is not the economic haven that, let us say, Canada or the United States is and it is rather extraordinary that the world's poorest country is considered preferable to their native land with its—

Mr. STEINBERG. That is true. And one more thing—

Mr. LEACH [continuing]. Great natural resources.

Mr. STEINBERG. Mr. Congressman, one more thing about this, you mentioned earlier this question of training and education and

so forth. It is a highly literate country which the Burmese have in fact not admitted in the United Nations.

But before 1962, there was no brain drain from Burma compared to all the other countries in the region. Since 1962, 1 percent of the population has left the country and it is the educated 1 percent. So these people, Burma has lost a generation and a half of their talented youth.

Mr. ACKERMAN. Thank you very much.

Do you have anything else to add? Because we are going to break for a vote.

Mr. STEINBERG. No, sir. Thank you very much for having me here.

Mr. ACKERMAN. If you have to catch a plane, do not let us hold you up.

We stand in recess.

[Recess.]

Mr. ACKERMAN. The committee will come back to order.

Thank you all for your patience. The crowd has not gotten too thin, has it?

We will resume with the testimony of Ms. Maureen Aung-Thwin.

Thank you for your great patience.

STATEMENT OF MAUREEN AUNG-THWIN, THE BURMA STUDIES FOUNDATION

Ms. AUNG-THWIN. Thank you. Thank you for having this hearing and having me come.

I will just briefly go through my testimony and then I would like to address some of the questions that were brought up this morning, if I may.

Mr. ACKERMAN. Surely. Your entire testimony is a part of the record.

Ms. AUNG-THWIN. I will summarize some details that are in that testimony, in the written statement.

Mr. ACKERMAN. Sure.

Ms. AUNG-THWIN. I think it is quite clear that we are talking about two Burmas. We are talking about the border Burma with all the refugees, who obviously are not there because things are really great in the country, otherwise you would not have the hundreds of thousands of people going to China, Bangladesh, Thailand.

Now, inside the other Burma is where the Congressman and Congresswoman went for their visits, and where I also happened to go in January. I should mention that by testifying I am risking not getting another visa. It is very difficult for Burma-born naturalized Americans to get a visa to go back, unless you are going to do business.

Mr. ACKERMAN. You cannot just go to look around?

Ms. AUNG-THWIN. Well, that depends on them. If they think you are high risk, they will not let you in. So I was quite surprised, pleasantly surprised, to get a visa to go visit some of my family who are very apolitical. So I was very happy to do that. It was not an official visit.

I saw somebody's statement earlier that said something about looking at certain things in Burma—that it was hard to miss the changes. I saw the changes also and there are changes, there are

more cars, there are more buildings, there are more whitewashed things. It looks nicer. It's what I call the "happy Burma" versus the "unhappy Burma"—the one you see on the borders.

But in "happy Burma," you have to dig a little deeper. It also helps to speak Burmese, and it helps to talk to a wide range of people. I talked to no officials. I did not go out of my way at all, since it was a private visit. But I talked to people, strangers as well as friends, from the many cities that I visited.

The kind of repression in Burma is so insidious that you can hardly see it. It is like the soldiers that are supposedly not on the streets. They're just not wearing uniforms for one thing, that's one of the reasons you think you don't see them on the street. And there's some truth to what Congressman Rohrabacher said about a certain mind set in Rangoon. I think SLORC does have psychological control.

People do a lot of self-censorship in Burma. They will not put their necks out. So you do not hear people talking about politics very often.

If you are a Burmese citizen, there is no free press. The universities, even though they are open now, are under lock and key. You have to have an ID to go visit them, you can't just casually walk on campus.

There is censorship of even things like songs. Popular songs are written in code because certain words might trigger bad things or bad thoughts so are not allowed.

Mr. ACKERMAN. What do you mean, they are written in code?

Ms. AUNG-THWIN. Well, I think the songwriter knows—

Mr. ACKERMAN. If you play them backwards, you get different messages? Are you talking about the Beatles or something like that? [Laughter.]

Ms. AUNG-THWIN. In word code, you use euphemisms—

Mr. ACKERMAN. Buzz words.

Ms. AUNG-THWIN. Buzz words. Yes. And it is set to music. The music is noncode, by the way!

You have to have permission for almost everything. And, again, this is something that a casual visitor, especially a guest of the government, will not be affected because he or she will be living in a hotel.

You have to register as soon as you are going into a town where you do not live. If you are going to spend the night, you have to register with that place's handler or overseer.

Even in your own house, if your son or daughter, for example, do not live with you permanently and are not on the family household register, they cannot stay overnight suddenly because the video went too long and they got too tired to go home.

Well, they might try, but it's a risk—they do bed checks, for example, they will come in the middle of the night or early in the morning to make sure the roster jives with the registered number of people.

Mr. ACKERMAN. They actually come into people's houses?

Ms. AUNG-THWIN. Oh, yes. Sure. They knock, come in and they say let me look at your roster. They did not check when I was there, but they could have and that's the reason I registered right

away as soon as I got to Rangoon to make sure that they knew that I was there.

Mr. ACKERMAN. What do you mean, you registered right away?

Ms. AUNG-THWIN. My family—

Mr. ACKERMAN. Like a hotel?

Ms. AUNG-THWIN. No, no. My family had to take all my papers, my passport, everything saying who I was, to the resident overseer of the government to tell him how many days I would be in the town, when I was planning to leave, that kind of thing.

Mr. ACKERMAN. That is broken down on a local or regional or town level basis?

Ms. AUNG-THWIN. Absolutely countrywide basis. You are not allowed to have anyone in your home overnight unless you register with the local watcher. Of course, people do it. It's a way of basically controlling possible subversives.

I spent one night in the countryside and that was the first thing everyone worried about, is to register.

I'm not going to tell you all the secrets of what I did or didn't do because others can get in trouble.

Some of this control is very insidious. Like postcards—I was trying to buy some postcards of temples and they said no, those postcards are controlled by the government.

Mr. ACKERMAN. You are saying pictures—

Ms. AUNG-THWIN. I went to buy some postcards in a shop and asked "do you not have any with famous Burmese temples? They said no. Certain scenes—

Mr. ACKERMAN. Postcards?

Ms. AUNG-THWIN. Yes. Don't ask me why. I'm just saying that some of this control comes down to a pretty petty level.

Mr. ACKERMAN. I am a stamp collector. That is an outrage. Put that on the list. [Laughter.]

Ms. AUNG-THWIN. Well, you see, the problem with these permissions and registrations is that it sets up a classic system for corruption. So it is following the Indonesia model, I hate to say anything bad about Indonesia, but that's part of the problem—nation-wide corruption because of so many controls to get something done.

The cities look pacified, they feel pacified, until you scratch deeper.

The changes that people keep talking about, these so-called reforms. As far as I'm concerned, they are restored freedoms that were taken away arbitrarily and now given back. There's no more curfew, so that's supposed to be a reform? I mean, most people in civilized countries do not have curfew at 10 o'clock. A reform is not restoring something that you should have to start with. So I think one must be careful when using such terms.

I found the military much more entrenched than ever. The last time I was there was in 1981. It was still a military government, but a different group of soldiers at the top. I felt the police state more, let us put it that way, now.

Mr. ACKERMAN. When you say you felt the police state more, witnesses that testified previously stated that they did not see the presence of police officers. You are not saying that, you are saying feeling the presence of the police state, which is different than visually seeing a policeman on the corner.

Ms. AUNG-THWIN. Right. When I say "feel," I also have a pretty good idea—probably because of my local friends and what not—of who might be on the corner watching. You know what I mean? I don't have to see someone in uniform to make me feel watched. There are spies in tea shops and in public places all the time. Everywhere. And everybody knows it. No one will speak freely on the phone and no one will speak freely in public places unless they know you very well.

Mr. ACKERMAN. How old were you when you left?

Ms. AUNG-THWIN. I was 11.

Mr. ACKERMAN. I ask that question because I wanted to really know how long ago it was.

Ms. AUNG-THWIN. How long ago—

Mr. ACKERMAN. I can do the math and figure it out. I think I did that wrong.

Ms. AUNG-THWIN. Actually, I left before the military came in, so I have never lived under the military government. And maybe that's part of my reaction to the "police state."

Mr. ACKERMAN. Were you able to go back during—

Ms. AUNG-THWIN. I have gone back twice. This was my third visit under the military government.

Mr. ACKERMAN. Share with us, if you would, just the feeling of one growing up or living under those conditions years ago and on into the present, if you can. You felt the presence of the police state. I take it you had not felt that—

Ms. AUNG-THWIN. I had not felt it because it was not there before. I went to India, where I grew up, and then I came over to the United States. So there was no police state in India or America, so I was not used to a police state at all. So that's why I felt it in Burma. I felt it when I went back earlier, too, but I felt it more now with all the so-called openness. This is what disturbed me.

Mr. ACKERMAN. You felt it now with all the openness where?

Ms. AUNG-THWIN. The new open economy in Burma right now. So I am saying there is this openness economically, but politically there is pervasive self-censorship and fear.

Mr. ACKERMAN. You are saying that there is a contrast between the economic openness and the social—

Ms. AUNG-THWIN. Yes. I think there is a contrast.

What disturbed me also was that the relatives I saw—the same people I saw on earlier trips—were taking this repression for granted now.

It did not seem to disturb them to have to obtain licenses for basic things that we in America all take for granted. I sort of teased them and said how can you stand this? Why do you have to have permission to see me off at the airport?

You have to show your ID to some official and have them sign a slip for you to go to the airport area to see off somebody. It all has to be done the day before.

My relatives were used to it, so they know how to plan ahead. "You're going to go 2 days from now, we have to go get our permission now," they said.

They asked, "you mean you don't have to do that in New York?" And I laughed. I didn't know whether to laugh or cry. But that is

basically what disturbed me, their taking so much of the repression for granted.

Mr. ACKERMAN. Did you ever have to do that in New York?

Ms. AUNG-THWIN. Yes. Get permission for—let's see—

Mr. ACKERMAN. Just for the record, we did not have anybody contradict the repressive—

Ms. AUNG-THWIN. A police state in New York? Well, New York sometimes does not have, you know, enough taxis just when you need it and things like that. It's quite repressive that way!

I want to mention—

Mr. ACKERMAN. Well, the reason for that is because we just had two of our cab drivers arrested. [Laughter.]

Ms. AUNG-THWIN. I will mention a few things in answer to this morning's testimony, that sort of jives with my own testimony—this thing about freedom of religion for Catholics for example.

I talked to a religious leader who was so scared he did not want to tell me his name, but I knew who he was. We met just by accident up in a town up north. He told me about a Catholic priest who was killed—he was a community leader who kept putting up this big cross up on a church in a community where there are a lot of Christians. And they—the government, the soldiers in that area—kept telling him to take it down and he would not and so one day, you know, he was shot, quote-unquote accidentally, and the person I was talking to said well, another coincidental accident like we have had a lot these days, you know, in the last few years. That's all he said.

He meant the demonstrations that were put down in 1988.

In any case, that was one thing. The other thing I wanted to—

Mr. ACKERMAN. Just for the record, this is a policy you are suggesting that is embarked upon by the government but not by any religious group.

Ms. AUNG-THWIN. Oh, yes. But I'm not saying it is in the government mandate or guidelines. It might have been a local person, a commander, who did not like the fact that this priest was not obeying orders and, you know, and decided to punish him. I have no idea.

I would like to say that health care is not for the ordinary people what it is for the military. They have their own hospitals and they are quite well staffed and well supplied. But for an ordinary person, I asked, on average salaries, how do you manage?

I was told you have to buy your own sutures, your own medicine, your own syringe, your own everything if you go in for an operation or even for basic care. They said we just don't get sick! They were trying to be facetious, but basically it is quite horrendous to be very ill and have no money or pull.

In answer to the question of asking Congressman Rangel about the drug situation or the interdiction of opium, that's one of my concerns too. Congressman Rangel went on a quote private visit to Burma in November with some other people, a trip arranged by former Congressman Lester Wolff, who I believe is not a registered foreign agent. He has been very helpful in planning some of these trips for Congressmen to see Burma on an itinerary that is I know managed by the SLORC government. The itinerary in fact is some-

times discussed here with Burmese Government officials before they go.

Congressman Rangel went up north to torch one of these big staged burns.

Mr. ACKERMAN. To what?

Ms. AUNG-THWIN. Staged burns of narcotics. You know, these are staged by——

Mr. ACKERMAN. Oh, he went to torch.

Ms. AUNG-THWIN. He went to torch it. Yes. I wish I had brought my own—I have a photo of that, too. Senator Moynihan has submitted a statement with photos of some Americans who went there recently, not torching but looking at the opium crop; but I have a photo of Congressman Rangel torching in a *United Emirates News Service* article. Lots of people know about this.

Mr. ACKERMAN. I do not understand the implication of your question: Should Congressman Rangel not have gone? Or he should not have torched the drugs?

Ms. AUNG-THWIN. Both. I think he should not have——

Mr. ACKERMAN. He should not have.

Ms. AUNG-THWIN. He should not have gone because, for one thing, he went 6 days after a democratic president won the election, someone who said we are going to be tough with human rights abusers. So Rangel went there on a so-called private visit but it was used as a publicity coup by SLORC who put it in the local newspapers, and on the television, as if it were an official delegation. That is the way it was portrayed in their writeups, which you can read in FBIS in various issues in November.

He also—and this is in FBIS—Rangel also met two so-called leaders of national races who are known drug lords. There is an article in the *Far Eastern Economic Review*, a current one, featuring one of these drug lords, Pheung Kyar Shin, whose son-in-law is a Yunnanese but is considered an ethnic shan; known as Sai Lin as well as Lin Mingxian. He is attending the national convention.

This is why many of us think that this national convention isn't the most democratic event. Somebody should take a list of who is there representing the people and you will find some of these delegates are into questionable things.

Mr. ACKERMAN. Let me just state for the record before we go on to the rest of the testimony, certainly Congressman Rangel has every right to travel anywhere in the world, either in an official or nonofficial capacity. So does former Congressman Wolff. I believe you are correct, he is not a foreign agent.

Ms. AUNG-THWIN. Right. He is not.

Mr. ARCHER. A former member of the American Congress and former chairman of this subcommittee, as a matter of fact. And for the record, I would like to state that torching drugs is not something that I would be critical of despite the fact that some others who I might not agree with might take advantage of trying to allow that photo opportunity to accrue to their benefit to prove that they were on the side of righteousness and justice.

Nonetheless, when somebody either does something good or allows it to be done, we should not be critical of them because it was a photo opportunity advantaging the other side.

Ms. AUNG-THWIN. But often the drugs, are reportedly—and I do not have evidence of the bunch that he torched—not drugs confiscated during narcotics interdiction programs but possibly sold by some of the drug lords so there is something to torch.

Mr. ACKERMAN. I heard President Reagan sent somebody over to the park to buy some drugs so that they could show them at a press conference.

Ms. AUNG-THWIN. Right. Well, I think there are two things. I am against his going because it is not only a photo op, but it is also a staged thing, so it is not even doing something quote good.

Now, I am not saying that he is doing this deliberately——

Mr. ACKERMAN. A hearing is a staged thing also. I mean, you do things to call public attention to the fact that there is a problem and a way to remedy it. I do not mean to badger you on this issue, merely to state my view that I do not believe that either former Congressman Wolff or Congressman Rangel intentionally or otherwise did anything that at least I would be critical of despite the fact that SLORC might have taken full advantage of their presence and tried to piggyback on the popularity of the event in which they participated.

Ms. AUNG-THWIN. Well, OK. But there are implications for American antinarcotics policy in Burma with the continued presence of the DEA. I would urge you to read the latest GAO report on staffing in Southeast Asia. I think there are some problems there.

I agree with David Steinberg who said the Burmese finally have to solve it themselves, but I think America can do a lot to help by using leverage where she does have it. America does not have much leverage with SLORC, but she does have leverage with other nations and with international organizations. The American Government could be supporting the democracy forces a lot more and helping coordinate some strategy.

Mr. ACKERMAN. Could you give us some specifics as to how we might go about that?

Ms. AUNG-THWIN. Well, for example, I think we should try to urge SLORC to open negotiations with the opposition. They have so far refused to talk to Aung San Suu Kyi. I disagree with David in that he says Aung San Suu Kyi is just another person, that maybe other people could lead Burma. I think at this point, she happens to be the only symbol of unity and I think it is crucial that she be involved in any process. It was her party that won the majority, that won the mandate from the people in the elections, even though she was not allowed to run. So I think they should be urged to negotiate with her.

And whatever negotiations come out of that, I think many other groups who are fighting or opposed to the government will fall in line because of that.

Mr. ACKERMAN. You mean at present she is the only——

Ms. AUNG-THWIN. Yes, at present she is the only one and they do not come real often down the road. She stands for a lot more than just herself. She also stands for her lineage. Her father was the nationalist hero of Burma so I think a lot of people are respectful of her for that reason and why there is widespread support for her. Sometimes we are told that people have forgotten her and they think she is, in fact, in the way.

The people I talked to in and out of Rangoon, including people who said they were scared to talk, all supported her. Some were just waiting silently for something to happen.

I think the United States should send an ambassador to Burma with the qualification that it be someone who is willing to take a very strong human rights stance and also oversee the narcotics program there.

Alternatively, I also think——

Mr. ACKERMAN. If indeed we appointed an ambassador or we had an ambassador who was appointed confirmed, would you suggest that that Ambassador insist on being able to talk to Aung San Suu Kyi?

Ms. AUNG-THWIN. Oh, of course. Yes. But as a condition for going?

Mr. ACKERMAN. As a precondition of talking to SLORC?

Ms. AUNG-THWIN. Possibly. But I was saying alternatively, an envoy could be appointed to Burma who resides in Washington and help——

Mr. ACKERMAN. Say again? An envoy——

Ms. AUNG-THWIN. Right. Be appointed who resides in Washington, like I think we had an American envoy to Afghanistan who stayed here and was involved in finding a solution and talking to different people——

Mr. ACKERMAN. Why would we appoint an ambassador, confirm the Ambassador and keep him home?

Ms. AUNG-THWIN. Well, to make a point.

Mr. ACKERMAN. That was what the Senate thought they were doing, they thought they were making a point, they kept him home.

Ms. AUNG-THWIN. Well, I think you make a point that you are serious about it. But I would like to see the United States behind an overall strategy to help unify the democracy forces and this is something that an ambassador could be doing from here. This way also SLORC does not get to use the photo op.

Mr. ACKERMAN. Well, who would he talk to here?

Ms. AUNG-THWIN. There are lots of people here he can talk to who know Burma, and you can bring people in here from the democracy forces. You could also have him go to Burma, but not reside there. This is just an alternative strategy.

Mr. ACKERMAN. I think we can talk to the exile Burmese without having an ambassador appointed or otherwise.

Ms. AUNG-THWIN. Not just talking.

Mr. ACKERMAN. I thought that you wanted an ambassador—an ambassador talks to the government as well as other things.

Ms. AUNG-THWIN. That is right. But the Ambassador would be talking to the exile government, and the governments of other nations who are represented here.

Mr. ACKERMAN. How would he talk to SLORC from here?

Ms. AUNG-THWIN. How would he talk to SLORC? He would talk to the Burmese Embassy here, representatives of SLORC. But I am saying he can also go to Rangoon and talk to SLORC. This assumes, of course, that SLORC will agree to give him a visa when he wants to go.

Mr. ACKERMAN. The Ambassador?

Ms. AUNG-THWIN. Yes. I don't know. I don't know how these things are done.

Mr. ACKERMAN. If the Ambassador would need a visa, it would not pay to have—if there was a question——

Ms. AUNG-THWIN. Well, you see the problem——

Mr. ACKERMAN. It would just mean that we have not agreed to exchange Ambassadors, which I think we are saving that payroll line now anyway.

Ms. AUNG-THWIN. But that's the big problem. There is great resistance against sending an ambassador because of the photo op and legitimacy that this gives the SLORC government.

Mr. ACKERMAN. Well, if you are saying that it is a public relations coup for the government to be able to say that we have an ambassador over there, I mean, you are arguing both sides of the issue, I think.

If it is important to have an ambassador, the purpose of whom would be to engage the government and try to move them toward the kinds of positions that we would like to see supported, however we would define them, then indeed you need an ambassador to do that and you have to be willing to take the risk.

I mean, you seem to have an aversion to allowing what you consider a public relations coup on the part of the government. If indeed we should have an ambassador who can talk to them, certainly there is no reason why we cannot have Members of Congress who can talk to them, either in official or unofficial capacities or former members of Congress who know very well what our policies are and have very great understandings of the human rights issues as well.

If indeed we should have an ambassador for all of the right reasons, then we should not be concerned with the publicity.

Ms. AUNG-THWIN. That was just my suggestion for an alternative strategy.

Mr. ACKERMAN. We have had Ambassadors to evil empires.

Ms. AUNG-THWIN. Right. I agree. My first remark was that I think we should send an ambassador there to show them that we mean business and to oversee the narcotics thing. We should do both, be taking strong stands on human rights as well as narcotics.

Alternatively, because there is so much resistance, I am saying you could approach it this other way also. That's all I am saying.

I do not know if that is doable, or whether there is some precedent for this. I'm not sure.

I also think there should be definitely an international arms embargo and just because China sits on the Security Council and we think they are going to veto, is no reason not to try because you have got to stop the Burmese military from increasing their arms and further impoverishing the country.

Mr. ACKERMAN. How do you effectively impose any kind of embargo, an arms embargo included, if China refuses to participate and blocks the vote on any particular action?

Ms. AUNG-THWIN. Well, I am saying that is the likelihood. It does not mean you should not try to talk about it or try to introduce it. For one thing, that embarrasses China since they are the major arms supplier to Burma. I am just suggesting that as a tactic. Just

because you think they are going to block it, you should not not do it, right?

Or do you think we should second guess them and not do it?

Mr. ACKERMAN. Well, it is a matter of what ends we are trying at which to arrive. If you want to embarrass China then I guess just put things on the table—

Ms. AUNG-THWIN. Well, you can talk about it before you embarrass China, too.

Mr. ACKERMAN. Well, we can talk about it without voting on it, too.

Ms. AUNG-THWIN. Yes.

Mr. ACKERMAN. And we can do that in all sorts of ways.

Ms. AUNG-THWIN. That is right.

Mr. ACKERMAN. If the end game plan is to stop the sale of arms, I am not sure—may be right—that you do that by embarrassing and isolating China. I am not sure that that is the way you get them to stop it.

Ms. AUNG-THWIN. Yes. I'm not sure either. People have also suggested possibly delinking the China and Burma human rights issues so that you can press China on MFN and Burma separately. If you do not link them, there is a possibility that they could support action in the U.N. without feeling like they are being attacked directly.

Mr. ACKERMAN. How would you compare human rights in Burma as far as human rights in China?

Ms. AUNG-THWIN. Well, I have been to China but I do not speak Chinese so I have not gone around trying to gather evidence—

Mr. ACKERMAN. Well, I do not speak it either but I have to try to come to some conclusions.

Ms. AUNG-THWIN. I think probably very similar in many ways. But there are regions of China that are on the periphery, close to Hong Kong, where anything goes. So it depends on where in China you are talking about.

Mr. ACKERMAN. When you say "anything goes" you mean—

Ms. AUNG-THWIN. There are all sorts of freedoms that are allowed—for example there are places that have access to Hong Kong television—but in other parts of China, they only have access to state television and everything is censored. So I would say Burma does not even have that little periphery.

Mr. ACKERMAN. You think we need more borders, then.

Ms. AUNG-THWIN. Pardon? [Laughter.]

Ms. AUNG-THWIN. In Burma, there is not even that little rim of territory where there is access to a free press.

The United States could also use its leverage to press for multi-lateral trade and economic sanctions. Again, we can ask does it work? Where are the loopholes? But does that mean we should not do it, we should not think about it?

I think we should also take a stand on American companies who are there and if they insist on going, and we are not going to prohibit them, at least ask that they adhere to rules of engagement or accountability so that they are answerable to something.

I think the Voice of America should definitely increase its news broadcasts, maybe through Radio Free Asia. I do not know if that is coming out, but some of the people I talked to are starved for

news in general including of Burma. Because they only have BBC and VOA telling them about the outside world so I think that is very, very important. The people are isolated and are becoming just as closed in as SLORC in many ways, because they do not have access to a free press.

I think the United States—there is an emergency on several borders with the refugees—should press to get UNHCR and other non-governmental organizations to help oversee any repatriation of those refugees. So far, SLORC has refused to allow them to oversee the repatriation. I think that is very important.

I will be glad to answer any other questions about happy Burma or unhappy Burma.

[The prepared statement of Ms. Aung-Thwin appears in the appendix.]

Mr. ACKERMAN. Hang in there, because I want to make sure that we give Dr. Silverstein full rein here.

You certainly get the prize for the greatest patience in this session of Congress, I think.

We welcome you, Dr. Silverstein, and recognize your credentials and expertise in this area as well and look forward to hearing from you now.

STATEMENT OF JOSEF SILVERSTEIN, PROFESSOR, RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY

Mr. SILVERSTEIN. Thank you very much, Mr. Chairman.

It has been very educational for me to have heard what I have heard today and to reflect upon what is really happening, as responsible observers have said.

I would like to say a few things about the nature of Burmese politics, economics and society before I suggest a six-point program that I think the United States ought to embark upon.

First of all, there is this talk about the American position. The American position, I think, has been made fairly clear in a number of areas, that we stand for human rights and democracy and I believe that that ought to be the hallmark of any policy that the United States addresses to Burma.

If that is true, then we have to look at what has been happening in the area of personal participation of peoples. I do not ask you to listen to me but I ask you to read the reports of Professor Yokota who is a Japanese citizen, a very distinguished international lawyer, who has made two trips on behalf of the United Nations Human Rights Commission to investigate human rights violations and the absence of democracy. And Professor Yokota has made eminently clear that there is no democracy in Burma, that they are not even begun to get on the road.

He pointed out very clearly that the Burmese military organized a national election, the National League for Democracy, the opposition party, won that election overwhelmingly with 82 percent of the seats, and we are still waiting for SLORC to certify that election of 1990; and here we are in 1993 and the election has not been certified.

A number of those elected have died or are in hiding, in jail or have totally left politics because of the pressure, the intimidation that SLORC has placed upon them.

A second thing that Professor Yokota points out is this so-called convention that we have been hearing so much about and somewhat praised. First of all, we have to go back to Order 13/92; this is SLORC's declaration that the military will organize this convention and they said, in particular, that it must adopt six objectives. Remember this is an elongated process. It began last June with a pre-convention. The military called in a handful of political figures whom they could trust to talk about who should we invited to devise principles for a future constitution.

And when anyone wanted to raise a question at the pre-convention, they were silenced. They were not there to raise questions, they were there to answer comments from the military.

In January, the constitutional convention to write the basic principles for a future constitution was assembled. It lasted a day and then disbanded and in February it reassembled in eight separate committees.

Now, the government laid down a decree in 13/92 that one of the six basic principles of the constitution that must be included was that the military must be the leading element of the future government of Burma. And it was the fact that there was a speech prepared——

Mr. ACKERMAN. What does that mean, Doctor?

Mr. SILVERSTEIN. It means that the military is not going to be subservient to a civilian government, it will lead the government. In other words, the military will continue on, it will not retire to its barracks, as it had promised back in 1988. If we go back to the statement of the original leader of SLORC, General Saw Maung, he said we want to get out of this business as quickly as possible so all we are going to do is establish law and order, we are going to have an election and we will turn the government over to the people.

But by 1990, they changed their mind. Now they are saying that you must put it into the constitution that the military must lead the future of Burma and the delegates, as hobbled as they were, had prepared a statement, a statement that has circulated in translation illegally because the delegate was going to say to them, look, you have denied civil servants the right to participate in government, you are civil servants, how do you rationalize one civil servant having authority and another does not?

Second of all he said that this is not consistent with democracy and, by the way, whatever happened to our election that was supposed to set up the national parliament?

The other thing that I think we have to note about this is that the military has said repeatedly in declaration 1/90, I refer to these because we cannot talk in abstracts, there are some concrete bases, and in 1/90 they said we—SLORC—do not govern with the consent of the people, we govern because the international community accepts us as the government, therefore, we govern by martial law, we do not have to talk to politicians and we will continue to govern under these terms.

Now, this is not me fabricating this or talking anti-Burma. I urge the committee to study very carefully these documents.

Mr. ACKERMAN. That being the case, should we validate those assertions by appointing an ambassador to that government?

Mr. SILVERSTEIN. Yes. But it does not validate the assertions. My argument in behalf of an ambassador is we need a representative of the president to convey to SLORC U.S. policy. Only an ambassador with the credentials as the representative of the president can go to a country and say these are the national principles that the United States will enforce and I represent that government.

And the Ambassador should be on-site to engage in dialogue. He should become the dialogue partner. When these people want to talk, he will be there.

I call your attention to the fact that several months ago we withdrew our Ambassador from Yugoslavia when things began to go awry. Now, quite quietly we have appointed a very senior Ambassador, Reginald Bartholomew, as our Ambassador to Yugoslavia. I do not hear anyone say, oh, the United States is kowtowing to the Bosnians or the Serbians. We have sent an ambassador to speak for the U.S. Government. The absence of an ambassador has been the shortcoming of our policy.

I would remind you, Congressman, that between 1988 and 1990 we had a very articulate Ambassador, Ambassador Levin, who spoke out repeatedly and called attention to the human rights violations and the degradation of humanity that was going on. And the failure to replace that man with a competent and experienced diplomat has redounded to our position that we have today.

My argument, sir, is sending an ambassador is not approval. Sending an ambassador is the word of the U.S. Government and the Ambassador will convey that word. And if the president wants to change the policy of this country, then he will inform his Ambassador and he will take whatever steps are necessary.

Secondly, if we have an ambassador—excuse me, just to finish—Ambassador Levin was available to talk to citizens who wanted to talk to him and was available to do the business of the United States.

I am sorry, sir, I did not mean to interrupt.

Mr. ACKERMAN. No, no, no. You are the witness.

I think we come up short in this hearing not having anticipated everybody being in agreement as far as the appointment of an ambassador and not having someone who might argue to the contrary, which leaves it to myself, unfortunately, to raise the questions that some other purist might raise.

I suppose the argument would go something like if we appoint an ambassador, it is incumbent upon that Ambassador to present his or her credentials to the government which therefore recognizes that government's legitimacy and leaves it up to that government to accept or reject the credentials of the Ambassador that we might appoint.

But then again, if you do not appoint an ambassador, you cannot withdraw him when you think something is going awry.

Mr. SILVERSTEIN. I do not think that that necessarily follows, sir. I think that there is no vacuum in Burma. Somebody is holding onto power. We know that. We have to do the business of the United States around the world. An Ambassador, as the head of a delegation, to express the position of the United States is the only instrument. Therefore, the attachment of this myth, that to send an

ambassador and right away we have sent the wrong signal, just does not wash.

Nowhere can I think of since 1914 the withholding of an ambassador has changed a government. After all, we did not send an ambassador to Beijing from 1949 until President Carter recognized the PRC. It did not keep China from emerging as one of the great five powers that it is and a great economic power. And similarly as I said, if we look at the Yugoslav situation, here we have withdrawn an ambassador, now we send an ambassador and nobody has even raised this question.

I think it is a false question, sir, I do not think it ought to be even given the dignity of further talk. If the president has a qualified person, he should submit that person. If that person is qualified, he will send that name to Burma. The Burmese will accept it. This is the normal order of diplomacy. And then he will take up his seat.

Mr. ACKERMAN. I do not mean to either argue or quibble with you and neither should my questions be mistaken for having a contrary view to yours.

Mr. SILVERSTEIN. I understand.

Mr. ACKERMAN. But evidently there are those who do have a contrary position and the way this democracy is set up, they appear to hold the cards in that there is no Ambassador from this country in Burma right now.

Just if I can—I know you did not mean to phrase it the way that you did but indeed the president cannot appoint an ambassador who then presents his credentials, he has to present that nominee to the Senate and the Senate has to act upon the nomination before that person is confirmed as an ambassador, to Burma or anyplace else.

That step has not happened and whether or not it warrants this much of our time obviously that has not happened because a majority of the Senate of the United States feels differently than you do and I might. So that is the horns of the dilemma upon which we find ourselves.

Let me ask you this, though, before we move on to other things.

What do the Burmese pro-democracy forces think? What do they want us to do with respect to sending an ambassador to Rangoon?

Mr. SILVERSTEIN. If we are talking about the opposition government, the government in exile that is located on the border that is composed of elected members of the national parliament who never were seated, Dr. Sein Win was here last year and reversed the position he had articulated the year before, saying now he had no objection if an ambassador was sent.

I have had long talks with him and in our talks he told me he felt he had made a serious error in not agreeing to support the sending of an ambassador to keep the continuity that we had. But that is specifically in answer to what you are asking me about here.

But I did not come to make the case here for an ambassador. I think that is one element of a foreign policy, that we have a spokesman of American policy on site.

Mr. ACKERMAN. Doctor, I just wanted to get that on the official record that we are establishing here.

Mr. SILVERSTEIN. Right.

Mr. ACKERMAN. And without a proper advocate on the other side, it was incumbent upon me to spend this——

Mr. SILVERSTEIN. I understand fully, sir, and I just was responding to you on that.

Mr. ACKERMAN. I appreciate that. You have done it very well.

Mr. SILVERSTEIN. I would like to point out something about the nature of the economy. We have heard a lot about——

Mr. ACKERMAN. Ours or——

Mr. SILVERSTEIN. No, no. Of the Burmese. There are better people on the U.S. economy than me.

On the Burmese situation, I would call this committee's attention to the report of Professor Minoru Kiryu. Now, Professor Kiryu is a friend of Burma. He was hired by the United Nations Development Program, which has been a strong supporter of Burma, to do an economic survey of Burma. He made two long visits to Burma and issued his report a few months ago. The report is available and certain things that he said, I think, should be made known to this committee.

For example, he said in 1992, following two visits, he found prices had increased 82.9 percent since the military seized power. Second of all, he said, that the greatest increases were in foodstuffs which have risen 112 percent in this period. And for the people, this has meant that rice prices have nearly tripled, prices for such staples as edible oils, chili, garlic and eggs have increased at the rate of three or four times although salaries have not increased and unemployment is high and growing.

One of the tragedies of Burma's so-called open economy is that it creates no jobs. The only jobs are in the army and the army now is 300,000 and growing.

And more importantly, the army does not hire urban young men. They take young men from the countryside whom they believe they can manipulate more easily to exercise human rights violations in the wars that had been going on in the frontier area.

My point, sir, is that let us look at Japanese friends of Burma and what they are saying in international documents that are seriously done and must be given credibility. There are no jobs. The investment of foreigners has not created a new stimulated economy. The American investment, for example, in oil by Amoco and Unical have produced nothing. Unical has withdrawn and Amoco may very soon withdraw. Pepsico is now flooding the country with Pepsi-Cola that takes almost a day's pay for the average person to buy a can of 12 ounces of that drink.

Mr. ACKERMAN. Could we back up to the natural gas before we get to the Pepsi-Cola?

Mr. SILVERSTEIN. Sure. Yes.

Mr. ACKERMAN. Why is it that these energy companies are looking to withdraw if indeed Burma is so rich in those resources?

Mr. SILVERSTEIN. Burma once was Southeast Asia's second largest oil producer in Burma. And the fields were destroyed——

Mr. ACKERMAN. In the region.

Mr. SILVERSTEIN. In the region. Excuse me. And that during the Second World War, the fields were destroyed to deny them to the Japanese.

The potential of oil has always been a glowing hope for the Burmese, both the civilian government before and the military now.

Now, the oil companies have come in. The only thing they have found is offshore and in lower Burma. They have not found the quantities, economic quantities of oil that they had anticipated. The failure to find this oil has caused Broken Hills, the Australian company, Amoco and several others to pull out.

Natural gas, yes, there is natural gas. It will cost over \$1 billion to bring it on stream and then to build a pipeline from the Moulein area across through Three Pagoda Pass to Thailand—Thailand anticipating in 4 or 5 years it will need more natural gas. But this has not produced jobs.

What has it produced? It has produced \$55 million in signature money and signature money, sir, is bribery. Every American and European and Asian company doing business in Burma, signing a contract must pay over the table signature money. In 1989-90, Burma realized \$55 million above the price of contracts.

Mr. ACKERMAN. Who gets this money?

Mr. SILVERSTEIN. The military. The two societies that Maureen Aung-Thwin barely touched upon—

Mr. ACKERMAN. These are the happy people?

Mr. SILVERSTEIN. These are the very happy people, sir. Yes, indeed. They are the ones who have the best houses who now rent them to Europeans, these are the ones who have the special commissaries from which they can buy the imported goods that we heard about this morning. And these are the ones who have no worries about being able to come out and visit the outer world and tell you all the fine things that are occurring.

So when we look at the economy, we have to ask ourselves where are the jobs for the people?

The educated are leaving the country for the United States, Australia and other states; they are the ones who benefit. But for the ordinary people who cannot get out, there are no jobs. That is why the "Potempkin village" that we get reports from Rangoon of clean streets, painted houses and buildings is only a finite kind of a stop-gap to put people to work. They are not producing value-added jobs and there is no real industry developing.

If we look at what the investment—

Mr. ACKERMAN. I am troubled by the contrast here.

Mr. SILVERSTEIN. OK.

Mr. ACKERMAN. How did two intelligent members of the U.S. Congress who had the opportunity to visit Burma come back with the distinct impression that things were happening and the economy was cooking and things were looking better?

Mr. SILVERSTEIN. Well, sir, you go and stay at the Inya Lake Hotel and you are driven around in a limousine to see these good things that are happening.

You do not go in—I have not heard anything or read in the report that has been attached about them visiting any factories. The industry that was created by the Koreans, for example, to take advantage of the American tax benefit of selling Burmese cotton goods into the American market which President Bush suspended last year immediately saw those factories shut down and the

women and men who were doing the needlework of sewing this material ceased to have jobs.

We have an underemployed society. These are people that are thrown back on the resources of their families to support one another and hope for the best, that some kind of a job will emerge.

So, I do not know what these people saw. I am not in any way denigrating their vision and their understanding. But I am saying to you if one listens to economists, trained observers, not Americans but Japanese friends of Burma such as Minoru who tell us that there are no jobs, the economy is out of kilter.

You have a false value placed upon the kyat at 6.25 that nobody in his right mind uses because the black market rate is 120 now and going up.

Now, we know that if a tourist comes to Burma he must trade in \$200 U.S. dollars. Hopefully, the state is going to get \$200 profit. Now, if the tourist wants to exchange more, he can exchange dollars later on, but the \$200 that he changed initially is lost so you might as well take it out in food and hotel. That is the way the state is generating some foreign exchange.

And the reason they are doing that, quite simply, sir, is that a few years ago, if you went in with a carton of cigarettes and a bottle of Johnny Walker, you did not have to spend any money. The Burmese got wise and said, OK, you want to visit us, now you must pay up front \$200 and at least we are going to realize that. Since there were 20,000 tourists last year and it is estimated they may be 25,000 this year, we can multiply 200 by that and we know exactly what foreign exchange the tourist business will generate in this particular country under this inefficient and corrupt government.

Lastly, I want to talk about opium because it has come up and I think this committee should be very concerned. Burma continues to be the world's largest producer of opium.

We can ask ourselves how is this possible? They have a 300,000 man army. They bought \$1.4 billion worth of new weapons. And they do have helicopters. We gave some to them as early as 1975, they bought some in Poland recently, they bought them also in Czechoslovakia—they have plenty of helicopters.

So you have to ask yourself how do we explain the increase in production? And we explain it very simply. In 1989, when the Communist Party of Burma collapsed and the minorities who were the cadres declared their independence, SLORC went up and entered into agreements, particularly with the Wa.

Now, I do not know if you are aware of this, but 50 percent of Burma's opium grows east of the Salween River and in the Wa state. In the Wa state, the Burmese military never ventured in. Why? Because the Was, when they were fighters for the Communists, had access to anti-aircraft weapons and the Burmese were not going to take any chances with the few planes that they had.

So what had happened in 1989?

Very simply, a SLORC delegation, led by General Khin Nyunt, the head of military intelligence and SLORC's number two man, went up and made agreements. He said to the minorities, you can run your own affairs, you can keep your own economy, we will not interfere, so long as you do not fight against us. And, more impor-

tantly, we will provide you with the rice that you do not have because the Wa area does not produce enough foodstuff for its own people.

All right. Under these conditions, the Wa are producing, the Shan and the Kokang Chinese who also entered its agreements with SLORC are producing opium.

Do you know, sir, the only place in the world where opium production has gone down? It was in the Kachin state under the minorities. Last year, the Kachins in opposition to the military instituted a strong antiopium policy amongst the people they controlled. And we now have verifiable evidence that this year's crop is 75 percent less than last year. It is the only place in the world where this has occurred and it gets no attention obviously because—

Mr. ACKERMAN. Why did they do that?

Mr. SILVERSTEIN. Why did they do that? Because for years the United States and others have said the Kachins are opium dealers and therefore do not let the leader of the Kachins come to the United States or have anything to do with him.

To continue with what I was saying, the Kachins are one of the two large minority groups at war with the SLORC at the present time. There is a civil war in Burma. It has been going on for 44 years.

The minorities do not want to destroy the Union of Burma. They are not the Russian state trying to break up or the Yugoslavs. They want to stay in Burma. But all they want is a democratic Burma that is Federal in structure that will give them the right of self-determination and the preservation and protection of their culture.

Now, Brang Seng, the leader of the Kachin, is one of the leaders of the coalition in opposition to the military. But Brang Seng was never permitted to come to this country because he was always designated by the DEA as a narcotics dealer. To my knowledge and from my firsthand acquaintance with the man, I cannot see and I have never seen any evidence to show that he is a narcotics dealer. He decided that he wanted to demonstrate to the world he was not a narcotics dealer and so therefore he put into effect last year this new set of rules in the area he controlled about the reduction of production of opium and of the movement of narcotics dealers in this area and, as I said before, this year's crop is 75 percent less than last year.

Mr. ACKERMAN. We have—well, I will personalize it. We have people living in my city, in New York, in some of the finest neighborhoods whose neighbors swear that they are the most outstanding family oriented, community people that they have ever seen and, indeed, those neighborhoods in which they live are among the quietest and most peaceful. Of course, there are others within the law enforcement community that may have other opinions of them. So what you see may be but then again it may not be actually what you get.

I think the story will be known over a period of time when we compare the reduction in production, whatever measurement we can in the reduction of sales, if indeed there has been any, because inventory can also play a large role in one's marketing plan.

Mr. SILVERSTEIN. Well, sir, I have spent my whole career studying the minorities and politics in Burma and I have spent a great

deal of time with a number of these leaders and I can say from my own experience the source of funding that the Kachins have primarily comes from jade. The best jade in the world is mined in this area. The army controls one of the mines, the Kachins control two other mines.

The area in the Kachin State that produces opium is in the Lashio region. Previously Brang Seng has argued that so long as a civil war is on local leaders cannot really be effective in bringing about economic and social change for their people. And therefore he was on record, and it is in the documents our Government has, that they were prepared at any time to undertake this policy. Now he undertook this policy on his own volition.

I do not know if he is a narcotics dealer or not. But from my personal experience of spending a lot of time with him, I would attest that he is not an opium dealer and I believe the efforts that he undertook at great peril to himself because he denied to his own people the only source of money income they had to get them to change and it should be noted.

You do not just pull out opium plants and put down watermelons or tangerines or other commercial crop. This is land that will not support most any other kind of crop. If you are really going to get rid of opium, you have to really improve the roads, you have to improve the soil. You have to link the area up to commercial markets so people, as they did in Thailand under the king's patronage; there they were able to convert a great deal of opium territory into the production of fruit and crafts and other things so that today while Thailand produces roughly 30 tons of opium a year the Burmese are producing over 2000.

All I am saying to you, sir, is we have one verifiable evidence of a policy that has been in place for a year where the production has gone down.

Now, we can be critical and say, well, let us see what it is going to look like in 5 years. Yes, you are absolutely right. That is the measure of all things. But at least we have 1 year of reduced production without coercing the people but persuading the people to change. And I think this is important for the American people and for this Congress to be aware of.

Mr. ACKERMAN. What I meant to convey was not a pessimism as far as a reverse in policy in 5 years on behalf of these people who have your confidence, I am sure, but whether or not a reduction in production indicates anything other than a reduction in production.

If one has the inventory, one can make the same amount of sales that one made the year before without any production whatsoever and that still remains an unknown quantity, unable to be determined at this point.

Mr. SILVERSTEIN. Whether or not it represents a permanent reduction, whether it really is going to make—I have no way of knowing. I am not a specialist here.

All I am saying is show me anywhere in the world since we have been deeply concerned about narcotics where there has actually been a voluntary reduction. And here we have one. And while we do not have to trust it, we certainly can watch it. And if the present Kachin government is in control a year from now, we can measure it then and the year after that again.

We cannot say this about SLORC's efforts. We have evidence that SLORC's production is going up every year. That is all I am saying here. And beyond that I cannot go because I have no verifiable basis to make further comments.

I know the man, I have been with him, I have talked with him, I have gone over it and I have done that with others. It should also be noted that under this Kachin, who is a Christian, by the way, and if we look at the other leader in the opposition, General Bo Mya, who is a Seventh Day Adventist, who lead essentially an army of animists and Buddhists because we have a mosaic of religions in the hill areas as well as in the heartland of Burma; we find there is no intolerance toward religion in the hill areas by the leaders or the peoples themselves, that in the hill areas there is order, there are schools, there are governments.

The disorder comes from the military, the military that has crossed into Thailand and, as you probably are well aware, last December there almost was conflict between Thailand and Burma over Hill 419 where the Burmese entered what Thailand claimed to be their territory, sent two companies of troops and refused to move them until the king of Thailand had to intercede to call upon the Burmese to give up the hill and allow the issue to be resolved by peaceful means.

The problem is not the attacks are coming from Thailand, as suggested this morning. The attacks are coming from the SLORC. It is their army that has now created a *cordon sanitaire* through the Shan, the Kayah and the Karen state of 70 miles and has displaced people with no reimbursement for their lost animals, their crops or their personal possessions, who have been herded into these army camps and if they refuse have been shot.

And, lastly, it is the military that has been documented by Amnesty International, Asia Watch and every other international body that has used villagers as human minesweepers, has forced men, women and children to pack weapons and supplies because this is a jungled area and when these people fall from exhaustion they are either abandoned or they are shot and killed. And, lastly, this is an area where women are forced to submit to rape and AIDS is growing appreciably in this area.

It is not the minorities, sir, it is SLORC. If we want to come to grips with this problem, we have to take action and I suggest six steps that I think we ought to follow.

First of all, I think we should call upon the American business community to halt all their investments until political change occurs. There are not that many, they are big investors. Small investors have not been rushing to get over there, there are a few. We did this in South Africa, and it did have an impact. I urge that we think about it as a voluntary action here.

Two, I think we ought to, the United States that is, call upon the United Nations to remove—

Mr. ACKERMAN. You did not call for an embargo.

Mr. SILVERSTEIN. No, no. I did not.

Mr. ACKERMAN. A boycott. You called for a voluntary—

Mr. SILVERSTEIN. Suspension. I said a voluntary suspension of investment. Only until there is political change.

Two, I urge the United States to call upon the United Nations to remove Burma from the status of a least developed nation. We heard this morning that it is almost a 100 percent literate society. Sir, to be a least developed nation, you have to have less than 20 percent of your people literate.

Burma obtained this designation by subterfuge and because it now uses the benefits; being a least developed nation, other countries do not demand that it repay its debts or that it has to pay the large interest payments. Therefore, Burma has an abundance of money to waste upon weapons, not upon building factories or creating jobs.

My suggestion therefore is to call upon the United Nations to remove Burma from the least developed status and let them buy their weapons and pay their debts at the going rates. They have \$5 billion worth of indebtedness at the present time. France has already forgiven them their debts because of this status. Germany was about to, but in 1988 when the eruption came, they halted. The Japanese are ambivalent as to which way to go on this thing. My suggestion is that we could have real impact if we remove them from this special status.

Third, I believe that the United States should take a lead in forming a coalition of nations to remove SLORC from its seat in the U.N. SLORC is not the government of the people. By its own declaration, it rules by martial law and does not have popular support. There is a popularly elected parliament that never was permitted to be seated. In the face of this, I think we ought to call upon—

Mr. ACKERMAN. Do you think that is consistent with your position of appointing an ambassador?

Mr. SILVERSTEIN. Absolutely, sir.

Mr. ACKERMAN. Removing them from—

Mr. SILVERSTEIN. From the seat. Because they will not be removed. My strategy is a different one. My strategy is simply this: the army keeps telling itself the world respects us, the world accepts us because we are doing what we are doing. If the world says enough, it has already said this in the UNHCR resolutions that were passed, it has already said this twice in the U.N. General Assembly by unanimous resolutions of condemnation of them. Now if the United Nations were to question SLORC's right to hold the Burma seat, I would predict that you would see a split in the military because the military would finally come to realize that they had been sold a bill of goods.

Mr. ACKERMAN. Would you also deny seats in the U.N. to other nations that do not have democratically elected governments?

Mr. SILVERSTEIN. If they abuse their people in the way that this government does, yes, I think it would be.

Fourth, I think that we ought to try to build a coalition of Asian governments, in particular, the PRC and Thailand, to form a good offices group to bring the two sides in the civil war together and negotiate and end the fighting. There can be no political change in Burma so long as the civil war goes on.

The key elements are China and Thailand. Thailand, as you know, by itself in 1989 offered its good offices, it was General Chavalit who did this, and the Burmese rejected it. Last year at

the U.N. the foreign minister of Australia offered the good offices of his country and SLORC rejected the offer.

The minorities are prepared to stop the war and to negotiate an end, if it leads to democratic government. Therefore, I believe the two important countries here are Thailand and China. I think we ought to use our good offices because if we can stop the war, then there is no need for this monumental purchase of weapons. I do not think you can stop the weapons by an embargo but if you stop the need, it will end.

I have already expressed my position on sending an ambassador and my last suggestion, sir, is that we ought to prepare for the future when the military returns to the barracks and there is a civilian government. And then I think the United States should be prepared to resume economic, health and educational aid and that we should use our influence on international agencies to help a democratic government to get on its feet.

[The prepared statement of Mr. Silverstein appears in the appendix.]

Mr. ACKERMAN. I thank you very much for your very thoughtful statement. I think we have set a record. It was easy to do because this was our first hearing.

Let me thank our panelists.

Is Miriam Segal still here?

Well, unfortunately, we will have to adjourn without hearing from her. Her statement was submitted. It will be part of the record, as well as the statement of Senator Moynihan, who submitted testimony to the committee, as well as the statement of Oscar Arias, as well as the recommendations of the Nobel Laureates at the request of Mairead McGuire, with whom I met yesterday.

There being no further business coming before the subcommittee, I thank the witnesses for their expertise, for their guidance, for their suggestions and for their patience.

Thank you very much.

The meeting stands adjourned.

[Whereupon, at 3:20 p.m., the subcommittee was adjourned.]

APPENDIX

Representative James A. Leach
Before the Subcommittee on Asia and the Pacific
U.S. Policy Toward Burma
March 25, 1993

Thank you, Mr. Chairman. Let me also extend a welcome to our distinguished witnesses, particularly Congressman Archer and Congresswoman Johnson, who have recently returned from Burma. I understand they hold a somewhat different perspective on U.S. policy toward Burma, and we look forward to hearing from them.

Having said that, all Members are familiar with the tragic circumstance afflicting Burma. Burma's military dictatorship, the State Law and Order Restoration Council -- better known by the appropriately odious sounding acronym SLORC -- is one of the worst human rights abusers in the world. Moreover, although Burma's military rulers contend that they alone are capable of effectively governing that diverse country, their dismal record of administration since 1962 has seen the progressive isolation of Burma internationally and the precipitous economic decline of Southeast Asia's most resource-rich country.

Particularly distressing is the continuing house arrest of Nobel Laureate Aung San Suu Kyi, the negation of the results of the 1990 parliamentary election, and the ruling junta's efforts to ensconce a leading role for the military in any future Burmese constitution. Over 270,000 Burmese Muslims, the Rohingyas, remain in the world's poorest country, Bangladesh, because they are afraid to return to Burma without some assurance of international protection. Meanwhile, a forty year-old civil war against ethnic minorities continues to rage, with the result that Thailand now shelters over 70,000 ethnic minorities along its border.

It is obvious that Burma poses a major humanitarian challenge to the international community. Likewise, it is equally obvious that Burmese misrule has had negative spillover effects on its neighbors, in the form of refugee flows and illicit narcotics.

From an American perspective, the challenge confronting the U.S. in the pursuit of more humane governance in Rangoon is to maximize our limited leverage to promote progressive change. Here I would note that the U.S. has already embargoed the export of arms to Burma and sought to discourage sales by others; terminated all non-humanitarian aid to Burma and worked to build a consensus among other developed countries to withhold bilateral aid; suspended Burma's GSP trade preferences; declined to renew a bilateral textile agreement; opposed loans to Burma by international financial institutions; and worked with other countries through the United Nations General Assembly and U.N. Human Rights Commission to urge the Burmese government to release

all political prisoners and transfer power to a civilian government. Despite these actions, there has been little fundamental change in Burma to date.

While there may be additional creative steps the U.S. can explore to promote substantial reform and a return to legitimate civilian governance, the most important step we can take at this time is to form a cooperative strategy with Burma's key regional neighbors: Japan, the ASEAN states, and to the extent we can, with China.

All of these countries have been historically reluctant to publicly confront Burma over its human rights policy. Indeed, until now the region has generally emphasized quiet dialogue with the regime in Rangoon, or what Thailand terms "constructive engagement." Nevertheless, the beginning of a reappraisal appears to be in the making. For example, in a sharp departure from past precedent, Malaysia and Indonesia, and to a lesser extent Singapore, have taken a strong public stand on the Rohingya issue.

In this context, I would hope that at the ASEAN Ministerial and Post Ministerial Conference this summer the U.S. and our friends in the region would explore a cooperative approach toward promoting substantial reform in Burma. In some cases this may mean taking common positions, like on United Nations resolutions regarding Burma. In some cases this may also mean taking a "good cop" -- "bad cop" approach, juxtaposing public American and perhaps European pressure with quiet but firm complementary efforts by ASEAN. Here, in particular, ASEAN should begin discussions on designing something akin to a "roadmap" toward better relations with Burma, showing Rangoon how concrete political and economic reforms would progressively facilitate the integration of their country into the dynamic Southeast Asian economy and ultimately back into the community of nations.

In any regard, I look forward to working with the new administration and the Subcommittee Chairman in looking for new means to promote humane and democratic governance in Burma.

TESTIMONY

HOUSE FOREIGN AFFAIRS COMMITTEE

ASIA SUBCOMMITTEE

March 25, 1993

United States Foreign Policy Toward Myanmar/Burma

David I. Steinberg
Georgetown University

I greatly appreciate and am honored by this opportunity to testify on United States policy toward Burma/Myanmar. My views are, of course, personal and do not reflect those of any other individual or organization. They are based on some 38 years of involvement in Burma, first as a student of Burmese and Southeast Asian history, then as a practitioner of private and public assistance to Burma, and now as an academician who writes extensively about the political economy of that country. I have lived four years in Burma with The Asia Foundation. I should also note that I was the responsible officer in AID for Burma in the late 1970s, and led the team that wrote the report recommending the resumption of U.S. assistance to Burma in 1979. I was last in Burma in June 1992.

1 Introduction

As an academician who has continuously followed Burmese affairs, I believe that an articulated United States foreign policy toward Myanmar/Burma should be formulated within the context of U.S. global and regional policy considerations, as well as those specifically directed toward Myanmar/Burma. It should, however, take into account both international reality and the perceptions of the Burmese leadership, presently the military State Law and Order Restoration Council (SLORC).

I believe that the general goal of US policy generically as well as toward Myanmar/Burma is the development of a stable nation characterized by a pluralistic political system responsive to the needs and wishes of its peoples; an economy that is international and market oriented with broad, rising standards of living; and foreign and internal policies that reflect the various United Nations documents, including those related to human rights, that the state has already signed.

In addition to these abstracted goals, I believe the United States has a number of specific interests in Myanmar/Burma.

2 United States Interests in Myanmar/Burma

The United States interests in Myanmar/Burma seem not in themselves to be of relatively high priority even within the Southeast Asia context. They are, however, significant. I would list them as follows (generally in descending order of priority):

- * The elimination of the illegal opium/heroin traffic because that nation is currently the largest illicit producer of these commodities in the world, and a major source of the US unauthorized supply.
- * Regional stability in South and Southeast Asia because of a US bilateral security treaty with Thailand, which is directly affected by conditions in Myanmar/Burma, and because the delicate relationships among China, India, and Pakistan could be destabilized by Myanmar's policies and condition should either China or India assume a commanding role in that state.
- * The internal stability of the state, and furthering conditions that would encourage internal dispute settlement and prevent the fragmentation of Burma/Myanmar.
- * Economic objectives that include potential access to Myanmar/Burma's rich natural resources, the possibilities of US investment, and a future market for US products.
- * The exemplification of US humanitarian interests concerning the plight of refugees, human rights, political pluralism, alleviation of poverty, and improvement in the environment.
- * Myanmar as a potential voice for moderation, and a policy colleague in United Nations and other international fora.

To achieve any or all of these ends, continuous dialogue with the state leaders of Burma/Myanmar is, I consider, necessary.

3 Myanmar/Burmese Interests and Perceptions

The fruition of any individual or set of US policy objectives toward Myanmar/Burma is in part dependent on our understanding of the internal and external positions of the present SLORC leadership, their perceptions of their national and international posi-

tions, the historical forces that shaped those views and are likely to influence any future leadership, and the potential dynamics of Burmese policy changes specific to the present military regime and more generally.

As much as United States policy may focus on, or individuals such as myself may wish to see, the flowering of democracy and regard for human rights in Myanmar/Burma, and no matter how much individual Burmese may believe in these concepts (and many do, including such potential leaders as Aung San Suu Kyi), the present evidence indicates that it will be very difficult over the next few years to achieve protection of democratic and human rights (under internationally acceptable definitions) and at the same time see a state that is stable, whatever the formal structure of government may be. It is evident to this observer that the military in Burma/Myanmar under any civilian, 'civilianized,' or under more transparent military government will play an important role in defining and limiting power for the foreseeable future.

It is the belief of this observer (and contrary to the views of some others) that the general insularity of the SLORC leadership and its relative lack of sophistication in international affairs has led it to believe much of the public statements issued by its own controlled press. For some of these views there are sound historical reasons (e.g., foreign intervention in insurgencies, such as previous Thai support to some of the rebellions, US support to the KMT in Burma, Chinese support to the Burma Communist Party, Muslim support to the Rohingya Muslim rebellion in the Arakan, etc.), although the SLORC does not appreciate the changed international situation.

Some of these beliefs, which may be shared by some of the population in varying degrees and to which I do not personally subscribe, are:

- * The unity and integrity of the Burmese state has been and is in danger from internal and external elements.
- * Foreign subversion of the state, its sovereignty, and indigenous (i.e., Burman) culture is pervasive.
- * Civilian Burmese politicians have failed the state and cannot be trusted.
- * The tatmadaw (armed forces) is the only cohesive force in the state, and the only one that can lead and maintain its unity in the face of these internal and external threats.
- * If there is complete civilian control, centrifugal forces will not only destroy the state, but they might take retribution against the military, and reduce military

perquisites.

- * To maintain national sovereignty and dignity, the SLORC must not be seen to give into foreign pressures.
- * The SLORC is concerned about their poor international image, but would like to improve it without changing the basic structure of state power--military control. There is thus an appearance of liberalization, but it is tactical, not strategic. (This is why some of the press has been allowed in.)

4 Realities Affecting US Policy and Burmese Perceptions

A set of objective, shifting conditions will likely affect the realization of US policy objectives, the SLORC stance and probable response, and the possibilities for the success of either. They should be taken into account in US policy formulation. These include:

- * Communications technology and the need for foreign exchange through trade and investment have effectively prevented the isolation of Myanmar from the world in spite of its rigidly controlled press and media, and the desire of the regime to insulate the state from external political influences. This is markedly different from the period of the military coup of 1962. Bringing Burma into the world scene (through dialogue, materials, training, etc.) is an important aspect of supporting pluralism.
- * The SLORC is concerned about foreign criticism (especially from the United Nations), as demonstrated by the lengths they have gone to counter foreign radio broadcasts (VOA, BBC, AIR) in their own media.
- * If the SLORC (or any future leadership) is to liberalize state policies to those that we regard as essential to improved US-Burmese relations and the wellbeing of its people, some face-saving mechanisms are needed. The Burmese should be seen internally as changing policies because of their inherent validity, not foreign pressure.
- * Power is highly personalized in Burma, and thus knowledge of all critical actors (both military and civilian) is required to gauge policy formation, and anticipate and influence (if possible) change.
- * The Chinese have become economically dominant in Myanmar, undercutting the Burmese public sector, and Thai commerce.

- * India is viewed by the SLORC as the potential enemy of the state.
- * Any action critical of Burma/Myanmar requiring United Nations Security Council agreement is likely to be impossible because of a potential Chinese veto.
- * The porous Burmese borders with, and limited administrative capacities of, all neighboring states have traditionally encouraged smuggling of both commercial goods and narcotics, and no trade embargo will be significant and enforceable.
- * Strong Burman antipathy exists toward the minorities in rebellion, and this will neither be easily overcome in the foreseeable future through cease fires alone, nor even through any projected federal system of government.
- * The United States has virtually no economic leverage because of the small volume of trade and its limited economic investment stake. The SLORC has gone to some lengths, however, to attempt to reassure the U.S. on its anti-narcotics activities and concerns.
- * Donor unity (excluding China) on restricting foreign aid is likely to be broken as Japan (which already has disagreed with the US on aid policy in China, Vietnam, and Peru) apparently wants to resume foreign aid to Myanmar on the basis of the 'liberalization' connected with the current National Convention on the new constitution.
- * Unless there are splits within the Burmese military (which are likely over time and especially in the post Ne Win era, into which Burma has not yet entered), or a popular revolution that a significant segment of the military will not quell, the opposition National Coalition Government and the Democratic Alliance of Burma will not gain power. Under such volatile conditions, it is important that the United States maintain dialogue with all potential elements of authority, within and without the military structure.
- * Historical evidence points to a continuing, profound suspicion by the Burman leadership of the private sector, especially trade, and the role of Asian and Western foreigners in these processes. Thus, any government is likely to be highly dirigiste in economic terms.
- * Aung San Suu Kyi is a public anathema to some of the senior SLORC, specifically General Khin Nyunt, and the likely of ameliorating her condition (without her departure from Burma, which seems unlikely at this time) will in large

part depend on shifts in such leadership, or conciliation that is viewed by all parties as face-saving.

5 Recommendations for United States Policy

This observer believes that the SLORC will, as it claims, turn over power to a new government under some multiparty (but not democratic) system. It will in all probability be a 'civilianized' regime controlled by the military. There has been no timetable given, but it is likely to be 1994 at the earliest. At this time, an 'Indonesia model' seems probable, with the military constitutionally occupying a significant and critical number of seats in the National Assembly (Pyithu Hluttaw). Whatever the structure of state power, that power will lie, overtly or covertly, with the military. It thus becomes essential that the United States, whatever our political preferences and without implication of support, establish a knowledge of, and sets of relationships with, this leadership at all levels, first to understand the dynamics of power, and then to influence, insofar as possible, its distribution. As power is personalized, many sets of dialogues at different levels are necessary to understand accurately the changing scene.

In the light of the above goals, perceptions, and realities, I recommend the following actions to responsible United States authorities:

1. Restart high-level diplomatic dialogue with the Burmese through the appointment of an ambassador in Rangoon so that US interests are articulated at a credible level.
2. Ensure that such dialogues are encouraged and pursued at all levels of Burmese power, and involve individual, institutions, and include materials (information), and appropriate training opportunities.
3. Work with the Japanese to try to develop a common policy to discourage them from restarting their economic cooperation program without overall donor backing, and in the absence of demonstrable and significant political and economic reforms. It is the Japanese who are the critical actors, since in the past they have supplied about half of all Burmese foreign aid at about the \$200 million annual level.
4. Continue to discourage the World Bank and the Asian Development Bank from assistance at this time.
5. Continue to support a U.S. arms embargo on Myanmar; encourage other donors to do the same. But approach the

Chinese to solicit their cooperation in an arms embargo as a matter of priority, since they have been the major supplier (\$1.2 billion). Chinese cooperation was critical in the Cambodia settlement. Tie such discussions (privately) into consideration this spring of Most Favored Nation status for China.

6. Regularly approach individual ASEAN nations (most importantly, Thailand and Singapore) stressing the need for their urgent support in limiting arms and trade, explaining that this is in their own future international interests when there is a regime change in Myanmar. The present and stronger Thai government with its reduced military role would likely give that changed policy greater chances for success. The Thai are unlikely to look with equanimity on a Burma under the economic domination of China.
7. The U.S. bilaterally should unequivocally and publicly endorse and reaffirm the territorial integrity of the Burmese state, and encourage neighbor states, either bilaterally or through ESCAP or both, to do the same. It should also encourage the groups in rebellion to endorse this concept at the same time, and under the general rubric of regional and international stability stimulate the state and the rebels to conciliate within a unified state structure with meaningful autonomy to the periphery.
8. Warn US businesses of the instability of the state in the absence of pervasive and persuasive political and economic reforms, and thus the dangers of foreign investment under the present regime, and under a future regime if they continue their investments.
9. Continue discussions with the Koreans on both investment and aid dangers.
10. At the same time that dialogue is encouraged, determine whether appropriate avenues exist for training technicians who could contribute to a new government in the next half-decade. Supply books and educational materials to broaden Burmese understanding of the world around them. Reconsider whether a humanitarian UNDP program targeted on these longer range needs might be appropriate.
11. Simultaneously, provide no funds for foreign assistance, but rather discuss the deft timing of such incremental aid in the light of actual (not promised) internal political settlements and structural economic reforms. A lesson from the 1970s is that unrestricted aid, rather

than building up a constituency for reforms, tends to diminish government interest in such reforms.

12. Encourage the United Nations and its organs to continue to review the human rights, political, and economic situations in Myanmar/Burma and to make public their findings.
13. Continue US military attache' presence in Rangoon because dialogue with the Burmese military may be more easily conducted through this means, but do not provide military training at this time.
14. Insist on the release of all political prisoners (including but not limited to Aung San Suu Kyi) as a precondition to cordial--as opposed to formal diplomatic--relationships.
15. Understand that it is the Burmese who will have to solve their own internal problems, but concentrate on setting up the preconditions, dialogue, and information under which this may take place.
16. Recognize that the military in some form, even under a democratic government, will remain in a position of influence for the foreseeable future.
17. Allow the SLORC a face-saving means to retreat from power and preserve the integrity of the tatmadaw, perhaps along Spanish, or Latin American models.
18. Also understand that the SLORC will without doubt misuse the resending of a US Ambassador to Rangoon and employ it to prop up its own legitimacy, as they have done with each ambassador or distinguished visitor. This can be countered through the international media, but the ephemeral problems this will cause are small in relation to the need for a responsible, high-level, broad, and authoritative dialogue.

Testimony of Maureen Aung-Thwin

before the

Subcommittee on Asia and the Pacific

U.S. House of Representatives

Hearing on "U.S. Policy Toward Burma

Washington, D.C.

March 25, 1993

Thank you Chairman Ackerman for holding a hearing on Burma and for inviting me to testify. I have recently returned from a two week trip to Rangoon, Mandalay, Maymyo and points in between and had the opportunity to speak to many Burmese citizens on and off the record. My testimony today reflects my own assessment of the current situation in Burma and what I feel U.S. policy should be toward Burma, and not necessarily that of the organizations with which I am affiliated.

Since 1988, when the Burmese army ruthlessly crushed a nationwide democracy movement, the United States government has taken the lead in condemning and distancing itself from the current ruling clique known by its acronym, SLORC¹.

This deliberate isolation of SLORC--and by default, the Burmese populace--has galvanized substantial international opinion against the junta. Simply isolating Burma's regime comes at a price, however, for without a clearly defined strategy to restore civilian rule in Burma, such as a coordinated series of actions broadly supported by the Burmese opposition to the SLORC as well as the international community, the current impasse will only prolong the considerable suffering of the people of Burma.

To understand the Burmese plight one must study both the refugee situation at the country's borders and look

beneath the smiling surface in Burma's cities. Non-governmental organizations providing humanitarian aid to victims of forced relocations, conscripted labor and battle casualties see a different Burma than do casual visitors to the country. Tourists, businesspeople and guests of the Burmese junta, for example, see the "happy Burma," primarily government tourist guides, selected officials and apolitical Burmese entrepreneurs.

Language, time and circumstances prevent all but the most persistent visitors from gauging the daily deprivations of freedom tolerated by the average Burmese citizen. The public silence that has descended on the Burmese inside the country must not be mistaken for acceptance of the status quo. Many Burmese simply will not discuss politics, but those who do confirm the SLORC's systematic strategy of silencing if not crushing all who do not conform. SLORC has managed to insinuate itself, in some way, into every aspect of a Burmese citizen's waking and sleeping hours. Permission forms or licenses are required for everything from having relatives not listed on the official household roster stay overnight to seeing off friends at the airport. These petty controls also set up a classic system for nationwide corruption.

Moreover, Burma--especially its cities--looks pacified and normal. But underneath the veneer of "business as usual" seethes a general disdain for the military,

especially the current ruling junta, that belies all appearances. Many Burma watchers have interpreted SLORC's recent reforms as purely cosmetic and therefore meaningless. (Some of these "reforms," were partially restored freedoms that had been arbitrarily taken away, such as ending nightly curfews, abolishing military tribunals, releasing prisoners, and easing travel restrictions.) Others have interpreted any change as proof that international pressure is effective.² Still others consider this a part of a carefully choreographed scenario towards an army-dominated "democracy" in the mold of Indonesia.

The Burmese military, whose proxy party won only 10 seats of the hundreds contested in a free election in 1990 is more strongly entrenched than before the vote: It is bigger, better armed, with a more sophisticated intelligence-gathering apparatus. Having silenced the opposition, SLORC rules through insidious and subtle forms of repression that are not readily visible to outsiders. And regardless of the rhetoric, the junta shows no sign of giving up power in the near future. The military regime, in fact, is trying to write itself into law during the current constitutional convention, whose delegates represent only a small portion of the many successful pro-democracy candidates in 1990. The coercive powers of the junta should not be underestimated: Just a few weeks ago, an elected representative of the National League for Democracy (NLD),

Burma's main opposition party, gave a lukewarm but firm endorsement for the participation of the Defense Services in national politics.³

The question for the United States and other democracies is how best to nurture the powerful, natural and fundamental yearnings of the majority of the Burmese for freedom in the face of a dangerously paranoid and entrenched junta. It won't be easy, especially given the inherent factionalism within Burmese politics. But Burma's inevitable return to civilized and civilian rule can be hastened if the United States and international community are seriously committed to helping bring about lasting peace and genuine national reconciliation. This will require a consistent, creative and unified strategy, along with an understanding of the Burmese military mind set.

Under SLORC Burma's economy is the most open it has been since the military came into power through a coup in 1962, but the current regime's commitment to a genuine free market economy is highly dubious. SLORC's replacement of the previous socialist economic system with a so-called open economy is partly damage control, aimed at ameliorating the military regime's horrendous reputation at home and attracting desperately needed investment and aid from abroad. Any attempt to break out of the previously strait jacketed centralized economy is laudable, but just how

fundamental have been the changes? Three years of experimentation with an open economy suggests no real economic restructuring based on market or sound management principles.⁴ SLORC depends on private capital, especially foreign private capital, to help offset some of Burma's deficit balance of trade and consequent foreign exchange problems caused by state inefficiency and the cost of massive arms purchases.

Even more troubling, the junta's open economy also extends to opium, unofficially Burma's biggest cash crop, which has doubled in production since SLORC came to power.⁵ The junta's inability and unwillingness to curb opium production is a serious global problem and should be of grave concern to the United States. Burma supplies the United States with 80% of its heroin. The drug is increasing popular among this country's youth, part of an American addict population officially estimated at 750,000 though analysts suspect that it's now possibly up to two million--the direct result of the increased production from Burma.⁶ The main heroin routes to the United States, the Western world's biggest consumer of hard drugs, are via Thailand, China and, more recently, Cambodia and Laos⁷.

SLORC's long-suspected complicity with the drug growers is becoming outrageously explicit. Since 1989, the Burmese regime has made several non-interference pacts with ethnic

opium growers: SLORC would leave them alone in exchange for their non-involvement with democracy activists and minority troops battling the central government. For a variety of reasons, including the United States' ambiguous relationship with Burma--with no American Ambassador in Rangoon--the most intimate official American links with the junta are those with resident Drug Enforcement Agency (DEA) officials, who communicate regularly on anti-narcotics matters with the Burmese police and military intelligence.⁸ The idea of a United States government agency aiding the military "landlords" of drug traffickers with narcotics interdiction is a ludicrous proposition.

The narcotics connection and private investors are among the few remaining channels through which SLORC can lobby for legitimacy. In recent months the regime has started courting American legislators and private business people who do not regularly follow Burmese affairs and therefore are presumed to be "less biased" than, say, the State Department, whose latest annual Human Rights Report minced no words in condemning the junta's abuses.⁹ The first American Congressmen to visit Burma since the massacre of pro-democracy demonstrators, for example, arrived last November as guests of SLORC on a "private" trip arranged by former New York Congressman Lester Wolff (who is not a registered foreign agent.) The trip, featuring Democratic Congressman Charles Rangel, was a publicity coup for the

junta, especially since the legislators arrived a mere week after the election of a Democratic U.S. President who promises to be tough on human rights abusers. Congressman Rangel, then chair of the House Select Committee on Narcotics Abuse and Control, ceremoniously set the torch to a huge drug bonfire staged by SLORC. Rangel also met with Pheung Kyar Shin and Kyauk Nyi Hlaing, described by Burmese government television as "leaders of national races," but actually known Chinese drug lords from the Kokang region who cooperate with SLORC and profit from the heroin trade.¹⁰

The Far Eastern Economic Review reports that Pheung Kyar Shin's son-in-law, Lin Mingxian (also known as Sai Lin), runs his narcotics empire in the same war zone he controlled as a former commander of the now defunct Communist Party of Burma (CPB).¹¹ Interestingly, SLORC considers Lin, a Yunnanese from China, an ethnic "Shan" from Eastern Burma and therefore eligible to serve as a delegate to the National Convention. SLORC's separate pacts with various former enemies have provided short-term cease fires in exchange for what has turned out to be a new type of warlordism in an already complex arena of ethnic politics.

To consolidate power while "developing" the country, the SLORC has launched a Border Areas Development program, (BAD). It offers some humanitarian aid in the form of crop substitution, basic infrastructure and pockets of peace for former opium-growing insurgents. A representative of the

United Wa National Organization, who noted an improvement in the quality of life for his ethnic group in such an area, later decried the lack of social welfare support after a program was initiated with much fanfare.¹² In a recent study of a prospective integrated rural development program in the Eastern Shan States, a United Nations agency questions the role of the local "militia,"¹³ a euphemism for a private drug trafficking army headed by Lin Mingxian.

The SLORC appears to be interested only in cutting deals with ethnic minority groups that don't insist on long term political solutions or ask to be part of a genuine federal system in Burma, as does the Karen National Union.

SLORC so far has done pretty much what it wants, propped up by, among other things, sheer force of arms, a vast intelligence network, and the preoccupation of the international community on other "crisis" spots around the globe. Moreover, China, its northern neighbor, provides guns and butter in various forms. Mandalay, the former royal capital of Burma, has been transformed in a few years into what many Burmese derisively call a "Chinese city" because of its domination by mainland, overseas and local Kokang Chinese landlords and traders. Thailand, still describes its stance towards Burma, an important market for Thai manufactured goods and a source of natural resources already depleted at home, as "constructive engagement." Thailand's slightly self-serving policy must produce

positive results to be truly "constructive." Malaysia and Indonesia have publicly voiced concern about Burma, but only over the exodus of Burmese Muslims from Arakan State to Bangladesh.

Economic success in Burma depends on one's connection with the military. Theoretically, all locals can hold foreign currency bank accounts, buy and sell property, and travel abroad. But those who must bribe their way through the bureaucratic maze of required paperwork and are not on a government black list are almost always connected in some way to the new military class. This elite strata of society is largely unaware of the economic hardship suffered by less privileged fellow citizens. What has trickled down is the range of consumer goods rather than the ability to pay for them. The freer market has largely benefited a group already protected from inflation and shortages of food and gas by perks that include larger rations of essential commodities.

The regime in Burma has been unable to even buy the people's mandate. While providing new bridges and roads, whitewashing buildings, and offering land and housing, the SLORC still has to remind people through editorials and sign boards why they should trust the Defense Services.

Meanwhile the crises multiply. Refugees have crossed over the country's borders to Bangladesh, India, China and

Thailand--further testament to the campaigns of terror, forced labor and relocations occurring within the country. Asia Watch documented the Burmese military's strategy of "ridding the country of ethnic Rohingyas by any possible means"--using rape and forced labor as the primary incentives to clear villagers out of militarily strategic areas.¹⁴ Brokers taking advantage of poverty and joblessness in Burma have lured many susceptible young Burmese women to Thai brothels where Burmese girls are considered "fresher" and thus free of the HIV virus.¹⁵

The regime released some prisoners last year and finally acknowledged the existence of political prisoners. Most of the 1,200 prisoners released, however, were corruption cases; only 200 appear to be political prisoners. An estimated 3,000-4,000 political prisoners, many of them Buddhist monks and professionals such as lawyers and writers remain in jails throughout the country. Foreign media have focused on the detention of Nobel Peace laureate Daw Aung San Suu Kyi, who will begin her fourth year of house arrest this coming July. Many Burmese are also concerned with the fate of the country's most famous comedian, Zargana, and other jailed civilians some of whom have already died in prison. The main irritant to SLORC though is Aung San Suu Kyi, daughter of Burma's independence hero, General Aung San. She is also the major link in forging change within Burma.

Ultimately, Burma's problem is political, not economic.¹⁶ Rebuilding the country will depend on a genuine national reconciliation between the military and the rest of the country. This includes participants of the democracy movement in 1988 and the half dozen major ethnic groups that have never been successfully integrated into the Burmese Union. Some of these ethnic armies have been outside the legal fold since independence from Britain in 1948, fighting the central government in civil wars that neither side could decisively win. The Burmese armed forces, or Tatmadaw, will not just go away because they are unpopular. Indeed, the size of the infantry is increasing yearly, now numbering about 300,000 troops; military appropriations eat away an estimated 50% of the meager national budget. With supposedly fewer domestic enemies and the lack of an external threat, the Burmese military nevertheless continues to arm itself excessively, mostly courtesy of China. Its \$1.4 billion arms deal with Burma includes radar, anti-aircraft guns, F-6 and F-7 jet fighters, tanks, air-to-air missiles and patrol boats.¹⁷

The renewed international interest in Burma in recent weeks, sparked by the call of a group of Nobel Peace laureates for the unconditional release of Aung San Suu Kyi, should be exploited. The United States, as the world's leading symbol of democracy, should lay out a fair and firm

strategy for Burma that can be broadly supported. Strong public actions by America set an enormously important example to others, especially Southeast Asian governments reluctant to interfere in the affairs of a neighbor, however loathed or unstable--for fear of a similar negative spotlight on them. The Burmese government, while insisting that "never in our long and proud history have our people given in to outside pressure,"¹⁸ still reacts to international censure. Asian neighbors wield the most clout with Burma, especially such big investors as Japan, Korea, China and members of the Association of Southeast Asian Nations: Singapore, Thailand, Philippines, Malaysia, Indonesia and Brunei, many of whom are doing business with SLORC and filling the vacuum caused by Western trade embargoes.

A Burma scholar who draws a parallel between the SLORC's belligerence and ignorance of the outside world with the myopia of the last Burmese king, who challenged imperial Britain (and lost), calls the military "an institution so out of touch [it] is apt to mistake the general quiescence and cowed submission for popular acceptance. In its unwillingness to permit and listen to differing opinions, it increasingly comes to believe its own propaganda."¹⁹ The sarcastic tone of SLORC-speak emitted in public speeches, newspaper editorials, and propaganda specials on television, reveals a distinct siege mentality. Any real or perceived

opposition among the populace--or abroad--is considered The Enemy. Criticism of the regime without constructive solutions by the outside world reinforces a paranoia that perversely feeds a traditional Burman distrust of foreigners.

It's the fashion among some defenders of SLORC to make a distinction between the current crop of generals running Burma and those in the supposedly "old guard," like General Ne Win who toppled the civilian government in 1962 and ruled officially until 1988. The implication is that SLORC embodies younger, brighter and potentially more moderate leaders, who should be given a chance to prove their mettle. These are the same moderate officers who have used jail, torture, relocations, and forced labor--weaving a web of fear throughout the nation to maintain power. These are men whose careers as soldiers have been forged by fighting, killing and being killed by their own countrymen in the endless civil wars. These current leaders of Burma have not noticed that the world has changed considerably since the military took over in Burma.

SLORC's ostensible justification for staying at the helm is to keep the country from fragmenting--the same reason Ne Win used in 1962 and the SLORC in 1988. The armed ethnic insurgencies are mostly defensive movements that no longer threaten central or urban populations. More importantly, these groups are tired of fighting, no longer

want to secede but only wish to join a genuine federal union on an equal footing with the majority Burmans. Now that Burma under SLORC seems to be opening up, those with business interests in the country argue that economic change will bring political reform--eventually--and that the SLORC should be encouraged. Indeed, a free market is commendable, but not at the expense of ignoring the right of the people of Burma to choose their own government: SLORC asked them to vote their preference in 1990--and they did, overwhelmingly, for democracy.

SUGGESTIONS FOR U.S. POLICY

(1) The United States should push to find a forum in which SLORC could open negotiations with the opposition (e.g. under the auspices of the United Nations or via a private mediator). The SLORC must be made to understand why the outside world is "obsessed," as it says, with Aung San Suu Kyi. The junta fails to comprehend that at this point she symbolizes Burma's struggle for democracy and stands for a larger truth than an individual or even a nation. Some face-saving way must be found to induce SLORC to negotiate with her.

(2) The United States should appoint an Ambassador to Burma who is willing to take a strong stand on human rights and

U.S. drug policies. Alternatively, an envoy might be appointed who could be based primarily in Washington, D.C. to head a coordinating committee, which would draw up and implement strategy for finding a lasting and peaceful solution in Burma.

We should urge the United Nations and its specialized agencies, non-governmental organizations and governments of the Association of Southeast Asian Nations to be part of the process to find a peaceful solution in Burma.

(3) We must re-evaluate our narcotics policies and DEA presence in Burma.

(4) The United States should press for an international arms embargo against Burma in the Security Council of the United Nations. The massive purchases of arms by the Burmese military from China, Yugoslavia, Poland, Singapore and Pakistan threatens to further impoverish the country while increasing instability in a volatile region.

(5) The United States should use its leverage in the international community to press for multi-lateral trade and economic sanctions on Burma. At the least, such American corporations as Pepsico and Amoco that continue to invest in Burma, should be given rules of engagement and accountability. Sanctions will hurt the State more than the average Burmese citizen, whose needs are far more modest.

(6) The Voice of America (and a possible Radio Free Asia) must increase daily broadcasts to a country starving for uncensored news of the world and of Burma. We should also be educating the Burmese military by informing the masses of soldiers under SLORC of the role that armies worldwide play at peace time, the potential for an army to aid in national development, and explain the difficult choices facing even rich nations like the United States when armies and bases are demobilized.

(7) The United States should do all it can to press the SLORC to allow the United Nations High Commissioner for Refugees (UNHCR) and other non-governmental organizations to oversee repatriation of refugees from Bangladesh; the International Committee of the Red Cross (ICRC) must also be allowed to make prison visits in Burma. All United Nations Development Programme projects should be reviewed periodically by the United States and other donor countries to certify credible accountability of expenditures, especially of projects in the border areas.

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Statement of Professor Josef Silverstein

SOME THOUGHTS UPON AND RECOMMENDATIONS FOR A U.S. POLICY TOWARD BURMA (MYANMAR).

This statement was prepared for the U.S. House of Representatives Committee on Foreign Affairs Hearing on U.S. Policy toward Burma and Southeast Asia, March 25, 1993. This statement is not to be circulated and discussed beyond the Committee until after the Hearings.

I am Dr. Josef Silverstein (UCLA, '52; Cornell, '60) Professor Emeritus, Department of Political Science, Rutgers University, New Brunswick, New Jersey. I began my study of Burma in 1953 and have continued to write and lecture about it ever since. I was awarded a predoctoral scholarship to Burma in 1955 and returned later as a Senior Fulbright Lecturer at Mandalay University in 1961-62. Subsequently, I made many visits for short periods because the government would not issue a research or study visa to me. My last visit to Rangoon was in January 1987.

Although Rangoon has been closed to me, the border areas are not. My research continued at Manerplaw, the political capital of the Karens, and several other centers under the control of the Karens, Mons and Kayahs; my most recent trip was in 1992. I presently am assisting a committee of the Democratic Alliance of Burma (DAB) in drawing up a model constitution for Burma which the minorities and Burmans-in-revolt hope to offer at a future constituent assembly where all the delegates will be free of military coercion. I have been invited to participate in the forthcoming conference on the 4th and final draft.

Since 1956, I have published books and scholarly articles as well as short essays in the Asian Wall Street Journal and the International Herald Tribune.

My experience in Southeast Asia is not limited to Burma; in 1967-68, I was a Fulbright Senior Lecturer at the University of Malaya in Kuala Lumpur; from 1970 to 1972, I was the Director of Institute of Southeast Asian Studies in Singapore. During my career, I visited most of the countries of Southeast Asia and parts of China, lectured at many universities and did research which resulted in various publications.

The Present Situation in Burma.

Policy toward Burma must be based on three things: the realities inside the country, the regional environment and the national objectives the United States seeks to achieve.

It should not be necessary to remind this Committee that nearly five years have passed since the military

brutally suppressed the peaceful revolution in Burma and imposed a dictatorship under the leadership of military officers organized as the State Law and Order Restoration Council (SLORC).

Nor should it be necessary to recall that SLORC promised the Burmese people, the Special Rapporteur of the United Nations Human Rights Commission in 1990 and the United Nations General Assembly to transfer power to the people as soon as order was restored in the country and a national election was completed. It has not done so and appears to have no intention of doing so.

This Committee is well aware that Nobel Laureate, Daw Aung San Suu Kyi, remains under house arrest and until 1992, was held incommunicado to everyone except her immediate family although no charges against her ever have been filed and no court has sentenced her to imprisonment. There are unknown numbers of other political prisoners. Beginning in April 1993, SLORC began releasing a limited number; however the leaders of the National League for Democracy (NLD) and other parties continue to be held. It also is well known that the military has systematically destroyed all groups, civil and religious, who spoke out for the right of the people to rule themselves freely and democratically.

It also is no secret that there has been a civil war in progress for more than forty years; that the minorities and Burman students in alliance fight, not to break up the Union of Burma, but to create a truly federal union where the peoples can govern themselves democratically and free of military coercion. It is in the border areas and war zones where most of the human rights violations have been documented and reported. It should also be known that the opposition has created the National Coalition Government of the Union of Burma (NCGUB), a rival government to SLORC, which has received quasi-recognition from Norway, has been given informal financial support by Canada and Switzerland and whose members have been received informally by governments around the world. The opposition is prepared to end the civil war if SLORC declares a formal ceasefire and negotiates a halt to the fighting, subject to international inspection. Both Thailand, in 1989, and Australia, in 1992, offered their good offices in bringing the war to a halt; while the minorities and Burmans in revolt, organized as the DAB, have accepted the offers, SLORC has not. So long as the civil war continues there can be no political peace and progress in Burma.

Throughout the period of SLORC's rule, opium production has continued and the output has been increasing. This is due, in part, to the fact that the military rulers entered into agreements with the Was and other minorities, following their overthrow of the Communist Party leaders who had

controlled them, not to interfere in the local economy, which was mainly opium production. Only in the areas controlled by the Kachin National Organization, has there been a significant verifiable reduction in the opium crop. It is worth noting that the Kachins accomplished this without foreign financial aid or incentives.

Finally, it is important to remember that in the face of a failed economy under an incompetent and corrupt leadership, Burma, in 1987, was declared a "least developed" nation by the United Nations; this designation lessens its burden of a large foreign debt and made international aid, under normal conditions, easier to obtain. However, since 1989 SLORC has used its limited funds and credit to purchase more than US\$1.4 billion worth of arms and has increased its army to more than 300,000 despite having no external threats endangering its existence as an independent state.

It is with the above in mind that the recent report to the UNDP by Prof. Minoru Kiryu, a Japanese economist, known to be friendly to Burma, must be considered carefully. In 1992, following two visits to Burma, he found that prices increased 82.9% since the military seized power; that the greatest increases were in foodstuffs which have risen 112.4% for the period. For the people, this has meant that rice prices have nearly tripled and prices for such staples as edible oils, chill, garlic and eggs have increased at a rate of 3 or 4 times, although salaries have not increased and unemployment is high. He gave five causes:

1. stagnation in domestic production;
2. increased production costs;
3. lack of confidence in the currency;
4. overvaluation of currency resulting in a drop in buying power;
5. dual pricing--official and freemarket existing side by side.

So long as the present system persists, these increases will neither stop or slow down.

Tourists and journalists with limited knowledge of Burma report cleaner and repaired streets, whitewashed older buildings and several new structures rising in Rangoon and Mandalay which suggest to them a growing economy. But the activity they see adds little to the economy because it is temporary and finite and there is no evidence of the establishment of a real industrial base or expansion and improvement in agriculture. The temporary windfall realized by the sale of timber and fishing concessions is being squandered on military equipment, better wages and benefits for the soldiers and the enrichment of senior military officers. The "Potempkin village" aspect of the economy fools no one who must live and work where there is barely 1% economic growth, no real jobs being created and a near-worthless currency robbing them of the buying power of the currency; they also live in fear that the money in their hands might be confiscated at any moment the military rulers decide to shrink the money supply by demonitizing without replacement as the previous government did in 1987.

There are two impediments to growth and development: terror and human rights violations. It is not necessary to recount the endless reports on repression and violence against peoples of all ages and sexes documented by Amnesty International, Asia Watch and the U.S. Government. In the UN Human Rights Commission resolution (1992/58), adopted on March 3, 1992, it noted the following:

"...that the electoral process initiated in Myanmar the general election of 27 May 1990 has not yet reached its conclusion, that no apparent progress has been made in giving effect to the political will of the people of Myanmar, as expressed in the elections, and that the final results of the elections had not been officially released, also noted that many political leaders, in particular elected representatives remain deprived of their liberty and that Daw Aung San Suu Kyi was still under house arrest, and noted with concern the seriousness of the situation of human rights in Myanmar, the existence of important restrictions on the exercise of fundamental freedoms and the imposition of oppressive measures directed, in particular, at minority groups and the continuing exodus of Myanmar refugees to neighboring countries, including Myanmar Muslim refugees to Bangladesh"

In his February 17, 1993 Report, Professor Yokota, the Special Rapporteur for the UNHRC, informed the Commission that he found little or nothing to suggest that any of the human rights violations noted in the earlier reports and resolutions had been corrected.

Of equal importance was his analysis of Burma's obligations under international law. SLORC and a few of its supporters continue to say that no nation or international body has the right to interfere in the internal affairs of another state. But, as Professor Yokota reported, Burma, as a member of the UN "...has an obligation to cooperate with the United Nations in taking progressive measures and joint and separate action in cooperation with the Organization to promote the observance of the human rights as elaborated in the Universal Declaration of Human Rights within the territory of the State of Myanmar." With regard to Art. 3--the right of every one to life, liberty and security of person--and Art. 5--that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment--these rights cannot be derogated. "They pertain to the nucleus of rights universally considered jus cogens which may not be limited, curtailed or infringed upon for any reason of national emergency, national security, sovereignty, national unity, public order, health or morality." To this, Ambassador Tin Kyaw Hlaing, Burma's Permanent representative, offered no rebuttal in his formal response to the Report.

Many governments and journalists have commented upon the reforms offered by SLORC beginning on April 23, 1992. Among them was a change in SLORC's leader, the release of political prisoners--until their release SLORC denied the existence of political prisoners--permission for Daw Aung San Suu Kyi's family to visit, the treaty with Bangladesh to allow a return of Muslim refugees, the lifting of curfews and the return of most legal cases against civilians to civil courts and the beginning of a constitution-writing process. Any careful examination of these "so-called" reforms will show them to be cosmetic, to disguise the real nature of SLORC's rule, in order to win worldwide sympathy.

SLORC also declared that it was suspending its military campaign against the Karens. But there was no real end to the fighting as the Burma army dug in its forward positions and fights, even now, against both the Karens and the Kachins.

Burma's Foreign Minister met with his counterpart from Bangladesh in April 1992 to negotiate an end to the flood of refugees from the Burma Muslim population, who either were or felt threatened by the Burma army, to refuge in the neighbor state. But, while an agreement was reached, according to the Report of Professor Yokota, only 17,000 of more than a quarter of a million refugees have returned. No one knows what has happened to them because there is no international body monitoring their safety and recovery of their property because SLORC will not permit the UN High Commission of Refugees to oversee their return.

Finally, SLORC initiated the constitution-writing process in June 1992, by convening a preconvention--to determine who would be invited to the formal meeting to draw up basic principles for the new law. SLORC Order 13/92 (Oct. 2, 1992) established a Convening Commission for the National Convention of 18 members, most of whom were senior military officials, whose duties were to (1) convene the convention and (2) to lay down "the basic principles for the drafting of the Constitution" within a framework of six objectives. The sixth objective was "the participation of the Tatmadaw in the leading role of national politics of the State in the future."

One day after the convention convened on January 9, 1993, the meeting was suspended because, according to Prof. Yokota's Report, "a number of elected representatives decided to attempt discussion as to point number 6..." Rather than allow any discussion on the future role of the army in the political process or, for that matter, discussion on anything the delegates wanted to talk about, the convention was postponed until the first of February. It was reported by many and noted in the Yokota Report that an NLD delegate was prepared to make a strong argument

against a leading role for the military in the future government of Burma. It also should be noted that students, at great risk to themselves, distributed handbills and put up signs against the conventions. Thus, despite SLORC's effort to absolutely control all discussion and the convention's outcome, the will to create a truly free and democratic state--the driving force behind the 1988 peaceful revolution--is still alive amongst the people.

BURMA AND THE WORLD.

Why has SLORC taken these steps? From what has occurred thus far, it seems that its true intent is to deflect foreign criticism, win international support and restore foreign assistance. Since coming to power, SLORC has alienated nearly every democratic country in the world. In 1991, the UNGA passed a unanimous resolution highly critical of Burma; this was followed in February 1992 by an even more critical resolution in the UNHRC, after hearing a highly negative report by its Special Rapporteur. This was a particularly serious blow to Burma because the secret procedure under which the UNHCR had been working--whereby reports and resolutions were secret, known only to governments--was changed to public; of equal importance was the UNHCR's decision to call upon the UNGA to take note and further action to get Burma to comply.

At the regional level, Burma was openly criticized in 1991 by Secretary of State James Baker, at the ASEAN Foreign Minister's meeting and again, a year later, he repeated his criticism and asked the ASEAN nations to use their influence on their neighbor to halt its human rights violations and restore democracy. Also, at the 1992 ASEAN meeting in Manila, Burma was rebuffed in its efforts to take the first steps toward membership. Earlier that year, SLORC had been seriously criticized by Malaysia's Foreign Minister for its treatment of its Muslim population living in Arakan.

In 1992, the UNGA again adopted unanimously a very strong resolution which called upon Burma to free political prisoners, end human rights violations and restore democracy.

In the light of worldwide condemnation of SLORC, international investors and aid agencies have not rushed to assist Burma. After an initial flurry to gain timber, fishing and oil exploration concessions and paying signature bonuses, estimated to be US\$55 million 1989-90, there has been a retreat. Some Thai timber firms have not renewed under stiffer and more demanding terms while several oil companies, including Unicol, have given up or are about to surrender their leases. While some natural gas was found, none have reported important oil discoveries; their

results have not encouraged a fresh rush of foreign oil companies to take up existing and new leases.

Thus far, individual countries, international banks and aid agencies rarely come forward with new money or support for existing and new projects. And, where they have, their efforts have been blocked; in 1992, the UNDP proposed a US\$93 million five-year aid program which the US and other nations blocked.

The Burmese sought to counter these moves by seeking and receiving readmission to the Nonaligned Movement in 1992, but it resulted neither in new financial aid nor in international support, either at the 1992 UNGA or more recently, at 1993 UNHRC meeting.

Burma's most important international supporters, the PRC and Japan played no role at the UNGA and the UNHRC in shielding or deflecting it from strong critical resolutions.

A Special Note About China.

This Committee should be aware that China, for a long time has sought influence in Burma affairs and economic benefits which will have long term effects, in Burma as well as other nations in South and Southeast Asia. As of 1979, China altered its policy toward the Burma Communist Party (BCP), by halting the supply of weapons and rice as it altered its policy of party to party line in favor of state to state. Under its new line, the PRC used its influence upon the BCP and, at least one of the minorities, the Kachins, to begin negotiating an end to their civil war against the military-dominated government of Burma. It was under PRC auspices that Ba Thein Tin, the BCP leader, met General Ne Win in China, in 1980, to begin direct negotiations which lasted fourteen months; it also was under the prodding of the PRC that the Government of Burma invited Brang Seng, the leader of the Kachin National Organization (KIO), to Rangoon in 1981 to discuss ending its war against the State. By giving weapons to the Burma minorities on the China border, access to the outside world and trade, the PRC made certain that the Kachins neither were defeated or in a position to defeat the Burma army.

Why did China seek to play the honest-broker in this aspect of the the Burma civil war? Clearly, it wanted to expand its cross-border trade and investment in Burma resources and knew it needed a peaceful border area if these interests were to be furthered. Although most of the trade was handled by the opposition forces on the border, Rangoon never publicly protested, as it saw larger gains from having China as a political ally. During the decade of the 80s there was a brisk blackmarket trade between China and Burma along the old Burma Road and through other routes linking the two countries.

It should be remembered that in the midst of the peaceful revolution in Rangoon in 1988, when the world's attention focused on the struggle, a Chinese delegation, headed by the Vice Governor of Yunnan, Mr. Zhu Kui, came to the Burma capital and signed a border trade agreement, which opened the new era in China-Burma relations. Since the Agreement of August 5, 1988, legal and illegal trade moves side by side and China's rush to dominate the economic life of upper Burma is at full flood. Since 1989, the border towns of Muse, Wan'ting and Ruili have thrived and grown with new highrise and brick buildings housing shops, offices and warehouses. There is a growing flood of goods moving from Kunming to the Burma border and jade, teak and opium, together with other items, coming from the opposite direction.

An examination of the growth in commercial and military traffic across the common border, the growing economic power of Chinese traders in Mandalay and upper Burma together with the flood of Chinese goods throughout the country suggests the importance of Burma in the development of Yunnan as a possible second economic center after Canton. Along with trade, there has been a vast increase in Chinese involvement in Burmese mining and timbering. With or without the approval of one or both governments, the cross border trade in opium and heroin also must be noted.

It is being reported in Asia by traders and journalists alike that China's influence upon Burmese affairs is growing. To facilitate the overland movement of Chinese made weapons purchased by Burma, it was agreed in November 1992 that the PRC would build new roads and bridges in the Kachin State. It is reported that SLORC agreed to the Chinese demand that there must be no Kachin military forces within 40 miles of either side of the roads. Following this, the Burma army launched a broad offensive against the Kachin Independence Army in December seizing several strong points. At the same time, SLORC put out feelers to the Kachins that it would like to meet and talk to them about ending their war.

The Chinese also agreed to build a hydroelectric power station to supply power to Myitkyina and Bhamo in exchange for letting the Chinese establish businesses in the two cities.

On February 1, 1993, China's Foreign Minister, Qian Qichen, visited Rangoon; while the official reason for the visit was to discuss further border trade, economic development and opium suppression, it is believed that the talks also were about China's aid in building a naval base on Hainggi Island, at the mouth of the Bassein River, and helping to rebuild the naval base on Coco Island in the

Andaman Sea. Finally, it is believed that the Chinese Foreign Minister urged SLORC to seek to resolve its war with the Kachins by holding talks with Brang Seng. Such talks are reported to have begun at the end of last month.

Burma's neighbor states believe that when these bases are completed they will be open for use by China's navy and intelligence sources and will pose a threat to the other Indian Ocean states. The March 17, 1993 report from Beijing that the PRC has increased its military budget this year by 15% can only add to their concern. While Burma is the focal point at this moment, it is not difficult to believe that the PRC's long range goals extend beyond Burma's borders to Laos and Thailand as it establishes itself on the shores of the Indian Ocean.

U.S. Policy Toward Burma from 1988 to the Present.

Before 1988, U.S. involvement in Burma was limited largely to providing aid in the areas of agriculture, education, health, narcotics suppression and cultural exchange. In its last year, US aid totalled approximately US\$16.5 million, half going to narcotics suppression. The U.S. supported Burma's nonaligned policy and the two nations maintained good relations.

During the peaceful revolution, the VOA covered the events and people involved. The U.S. Embassy in Rangoon played an important role both for the Burmese, who saw it as a symbol of freedom, and to the world at large for the information it provided on events and people.

Following the military coup of September 18 and the suppression of the people, the U.S. cut off all aid. Once SLORC established itself and closed Burma to the world, the U.S. Ambassador and the Embassy became a center for news about human rights violations and activity inside of Burma.

Despite the efforts of Congress to pass resolutions to move the Administration to embargo Burmese fish and timber from the U.S. market until political change occurred, the President refused because the items would enter from third countries and blocking them would violate U.S. obligations under GATT. In 1990, Congress was successful in passing a measure the President signed into law, which called upon him to report semiannually on the state of human rights and democracy in Burma. If he did not find improvement he was authorized to take economic action. It was not until 1991 that he acted; he refused to extend or negotiate a new treaty that would allow Burma textiles to enter the U.S. under very favorable terms. Although this action was a blow to foreign owners who ran the industry in Burma, it had a minimal impact upon SLORC, as U.S. trade constituted between 2 and 4% of Burma's total trade. Congress also

provided funds for a few Burmese student refugees to enter and study in the U.S. for a limited period. But the program had little impact as it covered too few students and was not well administered.

From 1989, the U.S. continually associated itself with international efforts at the UN and UNHRC to urge SLORC to halt its human rights violations and to live up to its promise to transfer power to the elected representatives of the people.

An important reason why the U.S. efforts had little impact upon Burma was the absence of an Ambassador to head the delegation and speak for the United States. So long as it was U.S. policy to maintain a diplomatic delegation in Burma, the failure to have an Ambassador in Rangoon deluted and weakened America's voice. No matter how well the DCM performed, there is no substitute for an Ambassador who has the authority to speak on behalf of the government and for the President. Although an outstanding candidate was nominated by the President, his confirmation in the Senate did not take place because the nomination was held up in a subcommittee and was not allowed to go to the full Senate.

Policy Recommendations for the Present and Future.

U.S. policy toward Burma should be based on four principles:

1. it should be consistent with a national policy on helping to further human rights and democracy throughout the world;
2. it should form the basis for a worldwide coalition of developed and developing nations which are willing to unite and apply the policy to violators of human rights.
3. it should have rewards and punishments so that the target nation will know exactly what will result if it chooses either to support or oppose it;
4. it should have a strong ambassador in Burma to make its message clear, to give direction to the mission and to be available to talk to the military, any other group or individual who seeks his council.

The policy should seek to realize four objectives:

1. the reestablishment of democracy and constitutional rule
2. an end to human rights violations;
3. the restoration of traditional good relations between the two countries;
4. the reduction and eventual elimination of opium production, manufacture of heroin and sale worldwide.

A. By its actions in Yugoslavia, at the UNHCR and in its

statements on Haiti, the U.S. has made clear that human rights and democracy are central in U.S. policy. In February, the Clinton Administration sent a strong signal at the Geneva meeting of the UNHRC that human rights was an important issue in its relations with other states by voting for the Burma, Timor and China resolutions; and, even though the resolution criticizing China for political repression and other rights abuses lost, the U.S. demonstrated consistency in addressing the human rights situation in nations large and small.

It also is important to note that with regard to Burma, the Clinton Administration continued the stand of its predecessor and made clear to Rangoon that it was pursuing a national and not a partisan policy.

B. In the light of the above, the recently released Report of the Special Rapporteur on Burma and the resolution adopted by the UNHRC provides an excellent basis for the Administration and Congress to associate themselves with the conclusions and recommendations and for the Government to use them as a basis for mobilizing other nations to form a coalition dedicated to restoring human rights and democracy in Burma.

C. In order to make it clear that it is serious about matters in Burma, Congress and the President could make such a policy effective if they called upon American business to voluntarily halt investments in Burma until there is a political change. Such a request should be followed by congressional hearings and the Administration giving the broadest publicity to human rights violations and how foreign investment helps keep SLORC in power by providing funds for the purchase of weapons and the maintenance of its growing army. In 1991, the World Bank reported that in 1990, the U.S. was the second largest investor after Thailand in Burma. Most of it went into oil exploration. If, by example, the U.S. could induce other nations to call upon their citizens also to halt investment in Burma until there was a political change, SLORC could not ignore the impact of such a policy on its ability to continue to generate funds.

D. Congress and the President should call upon the United Nations to remove Burma from the status of a least-developed nation. Under that designation, nations are encouraged to reduce or forgive the financial obligations of the designated state; in Burma's case, that has already occurred. Under the designation, Burma is not held accountable for how it spends its money; during the past five years it has had funds to use to purchase massive amounts of weapons which contribute nothing to the economic well-being of the people. By calling upon the United Nations to remove Burma from the list of least developed

nations, SLORC again will be held financially accountable for its past debts and will have less money to use on the purchase of weapons.

E. The Administration should work to form a coalition of nations who sponsored and agreed to the UNGA and the UNHRC resolutions against Burma in 1991, 1992 and 1993 to call for the removal of the SLORC delegate from the Burma seat in the General Assembly. It should be remembered that SLORC declared in Order 1/90 that it ruled by martial law, observed no constitution and enjoyed international standing as the Government of Burma. Its legitimacy therefore comes "from the barrel of the gun" and not from the people. If the international community withdraws its approval or even debates the credentials of its delegation, SLORC would be seen for what it is, an army holding the nation hostage. Such a debate could well undermine its credibility with the Burma army which has been told repeatedly that the world approves its rule; it also would give weight to the resolutions previously passed by the UN.

F. It would be logical to suggest an arms embargo on Burma to reduce the power of the military. But no such policy can work so long as all nations do not support it. Arms in Burma, it should be noted, are not used to defend the nation against a foreign enemy, but to fight a civil war and to coerce the people who live under SLORC's rule. Therefore, the real problem is not stopping arms sales--an impossible task as Burma's near neighbors are its chief suppliers--but to halt the civil war and help bring political change. The U.S. should call upon China, Thailand and other regional neighbors to form a Good Offices group to bring the SLORC and the opposition together to negotiate an end to the war. As noted earlier, such outside efforts failed in the past, but if China and Thailand united in this effort, it would carry much greater weight in Rangoon. It is in the interest of both nations because the war greatly impedes their trade with Burma--as noted earlier; it also generates a growing number of refugees who flee from the fighting and fear for their safety as they are well aware of the violations people fleeing the war have already suffered from the hands of the army. Today, more than 100,000 refugees exist around Burma's eastern and northern borders and constitute a threat to peace in the region.

Burma's civil war has flowed beyond the border as Burma's army units have clashed with Thai military forces on Thai territory; only the intercession of the Thai monarch prevented a clash in December 1992.

It is in the interest of China, Thailand and other neighboring states to help end the war. Whatever loss they suffer in the decline or end of weapons sales will be more

than made up from increased peaceful trade with and investment in Burma. When the war end, there will be a halt to the outflow of refugees who seek escape from the fighting and safety from the human rights violations that have driven them from the war zones and continues to threaten them so long as the fighting continues. An end to the refugee problem alone should be a strong inducement to help the Burmese end their civil war.

Once the fighting ends, the rational for military rule evaporates. The people voted in 1990 to put the government in the hands of their elected representatives; the minorities are on record as being willing and eager to join with the elected leaders in governing the country and participating in the writing of a new constitution. When there is civilian rule and the military has returned to the barracks, massive arms purchases will be unnecessary.

G. No policy or policies toward Burma is going to be effective unless there is an ambassador in place to become a dialogue partner with the military rulers in Burma and to be available both to initiate discussion or respond to requests for talk with any others who wish to seek his council. The argument often made, that to send an ambassador is a signal of approval has no merit. If the government wants to convey that message, the President, whom the ambassador represents, will instruct him to make it; conversely, if the President wants to send a message that his administration is dedicated to the improvement of human rights of people everywhere and that any improvement in country-to-country relations will depend upon how this objective is being realized, he will do that.

When Ambassador Levin represented the U.S. in Burma, his voice and presence conveyed a strong message to SLORC that the U.S. did not approve of what it was doing and would do nothing to help the military rulers; in fact, it would use its resources to obstruct them. Since he left Rangoon, his unfilled office has conveyed a different message, that the U.S. had lost interest and would be indifferent to what was happening in Burma.

H. It should be the first order of business to send a fresh message to SLORC; that the U.S. government is deeply concerned about human rights of all peoples and any change in the relationship between the two countries will follow in the wake of real political change in Burma; further, it should be argued that the U.S. stands ready to help a new democratic government get started by offering any technical assistance requested, to open its markets to Burmese products at favorable rates, to use its influence on other states and international lending and aid agencies to assist Burma restore its economy, train its personnel and provide any other help it can.

I. The problem of opium cultivation, conversion to heroin and international sale can not and will not be solved so long as the civil war persists. Only when there is peace in the growing and transport areas and when government is in the hands of the elected leaders in the area, will it be possible to attack and eliminate the problem. The example in the Kachin State in 1992 suggests that where local leaders are willing and determined to do something, it can and will be done. But that supposes honest leaders who put local and national interest before personal gain.

But the Kachin leaders will be the first to tell anyone who is willing to listen that real and lasting elimination of opium cultivation will occur only in a peaceful environment where it is possible to improve the infrastructure of the area, bring water and fertilizer and build roads to link remote areas with local and national markets and take other measures to improve the well being of the peasants. In such a situation the farmer will shift to the cultivation of economically value crops since growing opium provides him with very little.

It should be U.S. policy, after the civil war ends and civilian government is restored to aid the government of Burma both on the national and local level to bring the structural changes necessary in the growing areas to convert the local economy and improve the social condition of the people. No policy will succeed without the free and voluntary cooperation of local leaders .

Conclusion.

No one can say with certainty that any policy will have the desired effect its author seek. There is evidence that as economic conditions inside Burma continue to decline, as the will of the people both in the heartland and the border areas remains strong and firm in their resistance to SLORC and as the world continues to be angered and saddened with conditions in Burma under SLORC rule, as they have expressed in the UN and the UNHRC, this is the time for the U.S. to step forward and offer leadership for a peaceful move to end military ruler, civil war and human rights violations.

STATEMENT OF SENATOR DANIEL PATRICK MOYNIHAN
"US POLICY TOWARDS BURMA"
BEFORE THE SUBCOMMITTEE ON ASIAN AND PACIFIC AFFAIRS
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
MARCH 25, 1993

Mr. Chairman and members of the Subcommittee, I want to commend you for holding this hearing on the continuing tragedy in Burma. I regret that I am not able to be there personally, but we are working in the Senate on passing the President's budget, and I am chairing a hearing in the Finance Committee this morning.

My views on Burma, I think, are well known. I am here today to ask you and the Subcommittee to agree to one request. We simply must do more than we have. And no body has done more than this Subcommittee about the enormous tragedy of Burma.

It is long past time for the international community to take action. The Security Council of the United Nations ought without further delay consider the threat to world peace and regional stability posed by the military junta of Burma. The terror of the Burmese people has continued now for more than three decades.

It is near four years ago that I first appeared before this Subcommittee to address the outrage that we feel about what is happening in Burma. We in the Congress have been steady in our condemnation of the regime. Condemnation that was echoed by the last Administration. But insufficient action followed. We have great hopes that the Clinton Administration will hear us on the need for stronger action.

I can report to you that last year the Foreign Relations Committee of the Senate, on a bi-partisan and unanimous basis, made our plea for greater action by the Administration quite clear. When it came to the matter of confirming a new ambassador to Burma -- a decision that many of us have great reservations about -- we told the Administration -- as a Committee -- that we could support such a decision only if we received certain reassurances.

Those being that the Administration would clearly and unambiguously support a UN arms embargo of Burma, and indeed press for such. In addition, we wanted reassurances that the Administration would oppose any UN Development Program funding for Burma. This program has threatened to dishonor both the UN and our contributions to it.

More, the Committee stated that the Administration ought to follow the initiative of the European Community by withdrawing

our military attaches from Burma. There is simply nothing appropriate about maintaining military-to-military relations with the SLORC.

As it turned out, the Senate Foreign Relations Committee never received such assurances, and no ambassador has been confirmed by the Senate. We have gone without an ambassador in Rangoon since October 1990. And there are even those amongst us that believe it past time to reduce our level of relations with the SLORC. We very much hope the Clinton Administration will hear us on this matter.

And we also trust that the March 5 resolution of the United Nations Human Rights Commission will be studied by the State Department and the Security Council. The level of human rights abuses in Burma are agonizing. Not only are 40 million people imprisoned and terrorized, but genocidal actions against minorities are well documented. The SLORC should know that what they are doing can get them hanged as war criminals and so should their officers. Using slave labor for portage and as human minesweepers are crimes. Where is the Secretary General of the United Nations on this issue? What nations are speaking out on behalf of the near 300,000 Rohingya Muslims who have been brutally driven out of Burma into Bangladesh?

We well know that many are concerned that China is now the benefactor of the SLORC. Having sold more than \$1 billion in arms to the SLORC for use against their own people -- the Chinese are busy constructing naval bases in the Indian Ocean that they hope to use themselves. We in the Congress aren't unaware of China's colonization of Burma -- and that is what it is. The people of Tibet know what can happen -- and the people of Burma are being sold off to China by a SLORC desperate to maintain the facade of power.

Mr. Chairman, we simply must do more. We must encourage Security Council action to impose an arms embargo. We must ask the Security Council to authorize economic sanctions. And a war crimes commission ought also be appointed.

Let me also recall that when I last testified before this Subcommittee on September 13, 1989, I brought with me a report issued that week by the General Accounting Office on the operations of the Drug Enforcement Agency in Burma. The title of the report said it all: "Drug Control: Enforcement Efforts in Burma Are Not Effective." The conclusion of the report in 1989 was simple and clear -- we had wasted \$80 million dollars in trying to get the Burmese military to eradicate opium poppies in Burma. The premise of such a program is a lie. The Burmese military don't want to eradicate opium poppies -- that is how they make much of their money. Heroin is a SLORC monopoly.

What then does the DEA think they are doing? They are still pretending the situation is otherwise. How is the State

Department permitting this lie to continue? We have been asked to abide for the last several years DEA agents being used as poster boys in SLORC ritual heroin burnings. They are memorialized in photographs in The Working People's Daily, the government organ that pretends to be a newspaper.

The latest outrage in this regard is a February trip of State Department officials to conduct an "opium yield study in Shan State." The result was a propaganda bonanza for the SLORC. I would ask, Mr. Chairman, to include in the record, a copy of a February 24, 1993 newsletter published by the Burmese Embassy in Washington, that is devoted to this trip and features photographs of Mr. Lloyd Armstead of the Bureau of International Narcotic Matters at State, the leader of this delegation. Apparently, he held a press conference about his trip, and lauds the cooperation he received. This is nothing short of shocking. It is pathetic. I can already hear State Department officials making excuses; telling us how the Burmese took what he said out of context. Or didn't report other things that he might have said. Perhaps. But that is the point. The SLORC knows nothing but lying. And, shamefully, State and DEA seem much too willing to go along.

And it is not just a small irony that the remainder of this same newsletter devoted to Mr. Armstead, contains an attack on the Nobel Peace prize winners that last month sought visas from Burma to seek the release of Daw Aung San Suu Kyi -- the 1991 Nobel Peace Prize winner -- who has suffered house arrest for nearly four years. Denied by the SLORC, the Nobel Peace Prize winners held their meeting in Bangkok. The article in the newsletter singles out Archbishop Desmond Tutu for particular invective.

Mr. Chairman, we can expect better from our government than press conferences on behalf of the SLORC at the same time that Nobel Peace Prize winners are barred entry from Burma and the UN Human Rights Commission is condemning it most severely.

Thank you for your efforts.



NEWS OF MYANMAR

MEMBERS OF DEA OF US, CONDUCT OPIUM YIELD STUDY IN SHAN STATE

Yangon, 19 Feb.- A team comprising Mr. Llyod Armstead and five members of the Drug Enforcement Agency of the United States of America, and First Secretary Mr. Arthur Brown, Embassy Coordinator of the US Embassy, Officiating General Staff Officer (Grade I) of the Ministry of Defence Maj. Khin Maung Thein and members and experts of Central Committee for Drugs Abuse Control and Myanma Agriculture Services conducted opium poppy sampling in Shan State from 13 to 19 February under the Opium Yield Study Project.

The poppy sampling was conducted under the joint drug control programme of the Government of the Union of Myanmar and the Government of the United States of America.

At the Shweli Villa of North-East Command, the team was briefed on illicit opium poppy plantations and drug abuse control work by General Staff Officer (Grade I) Lt. Col. Chit Khaing on 13 February.

The team took aerial survey of poppy plantations in Panglong region in Hopang Township on 14 February.

On 15 February, it took documentary photos, survey, samples of soil and put on record of plots of poppy plantations.

Commander of Eastern Command Maj.-Gen. Maung Aye received the team on 16 February. The project co-ordinator briefed the Commander on poppy sampling work or opium yield study project. The team then conducted poppy sampling work in poppy plantations in Pekhon and Hsihseng Townships.

The team also conducted poppy sampling in Mong Yang Township on 17 February and in Kyaing Tong Township on 18 February.

The team proceeded to Chaingmai in Thailand to do experimental opium yield study and laboratory tests on soil of poppy plantations.

The Government of the Union of Myanmar will continue to co-operate with the Government of the United States of America and other countries in drug abuse control work with added momentum.

ANTI-DRUG ACTION HIGHLY SUCCESSFUL, SAYS LEADER OF MEMBERS OF US STATE DEPARTMENT AND DEPARTMENT OF AGRICULTURE

US Experts team meets local and foreign journalists

Yangon, 22 Feb.- Members of the US State Department and Department of Agriculture led by Mr. Lloyd Armstead today left by air after a visit in Myanmar Naing-Ngan under the Opium Yield Study Project being carried out between the Government of the Union of Myanmar and the Government of the United States of America. Prior to their departure, the team lead by Mr. Lloyd Armstead held a press conference in the Yangon International Airport Lounge at 3 pm with local and foreign journalists.

He said that his team arrived in Myanmar Naing-Ngan about ten days ago. He said that the team had collected sample poppy plants from illicit plantations in Kokang and Wa regions in Shan State for five days. He said that the team was divided into four groups using two helicopters. Each group, he said, was made up of one US team member and three from Myanmar. In describing his point of view, he said the work was highly successful. The Myanmar Government side, he said, extended its utmost cooperation in all aspects. There were similar projects in other countries but the complete success achieved in a short period had been due to the assistance given by the Government and the Tatmadaw, he added. He then thanked the Government and those who rendered help in many ways. The regions of illicit poppy plantations which they went were difficult to reach and normally inaccessible. He said that it had been a tremendous job but the performance had been outstanding.

He went on to explain that the illicit poppy plantation areas to which they went by helicopter were really difficult of access. He said that his team was given all help with hospitality by local people of the regions they visited. He then replied to points raised by local and foreign journalists. The press conference ended at 3:30 pm.

Also present were the Deputy Director (News) of the News and Periodicals Enterprise, the Chief Editors and editorial staff of the Myanma News Agency and the Working People's Daily, personnel of the Myanma Television, Correspondents of foreign news agencies, TV stations and newspapers such as Antara, Nihon Keizai, UPI, Ji Ji Press, Reuter, AFP, Xinhua, TBS, AP, NHK, Newsweek and Yumuri and Counsellor of the US Embassy Mr. William J. Weinhold.

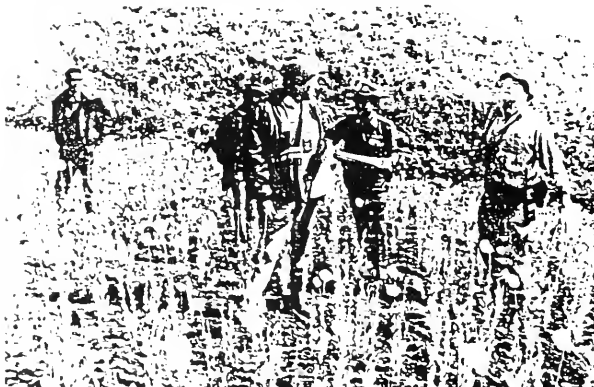


Mr. Lloyd Armstead, leader of the members of the US State Department and Department of Agriculture holds a press conference with local and foreign journalists at Yangon International Airport Lounge.

DOCUMENTARY OF ANTI-DRUG ACTION BY MEMBERS OF US STATE
DEPARTMENT AND DEPARTEMENT OF AGRICULTURE FOR THE
OPIUM YIELD STUDY PROJECT IN COOPERATION BETWEEN THE
GOVERNMENT OF THE UNION OF MYANMAR AND THE GOVERNMENT
OF THE UNITED STATES OF AMERICA



Opium yield studies and poppy sampling in illicit poppy plantations being carried out in Sae Mong-Nge village in Kutkai Township on 14 February under the Opium Yield Study Project carried out in co-operation between the Government of the Union of Myanmar and the Government of the United States of America.



Poppy and soil sampling being carried out on the range near the Pang-long village, in Hopang Township on 14 February under the Opium Yield Study Project carried out in co-operation between the Government of the Union of Myanmar and the Government of the United States of America.



Opium poppy samples being taken in Kunlong Township under Opium Yield Study Project by US Drug Enforcement Agency members and Myanmar officials under the co-operation programme of the Government of the Union of Myanmar and the US Government.



Opium yield studies and poppy sampling being carried out on the mountain range near Ta Shwe Htan village in Kurlong Township on 14 February under the Opium Yield Study Project carried out in co-operation between the Government of the Union of Myanmar and the Government of the United States of America.



Field work on opium yield studies and poppy sampling being conducted in the poppy plantations 6,300 feet above sea level near Apan-shan village in Kurlong Township on 14 February under the Opium Yield Study Project carried out in co-operation between the Government of the Union of Myanmar and the Government of the United States of America.

FOR PEACE OR FOR TERRORISM (Maha Thamun)

I regularly take a walk every morning. I also pray regularly. For this reason I have not had time to listen to that foreign radio which had to be tuned in at 6:30 in the morning. Previously, even if I don't switch on the radio, there were other homes which used to switch on to that particular foreign station very loudly so that even those who don't want to listen can't help hearing. But nowadays, people have got used to it and they don't switch it on anymore. Perhaps they have become fed up with having to listen to all the meaningless rubbish and instead of listening they have got better things to do. Whatever may be the case, the fact remains that it has been quite a long time that I haven't heard their voices on the radio.

While speaking at the No. 1 State High School of South Okkalapa on 20 February, State Law and Order Restoration Council Secretary-1 Maj.-Gen. Khin Nyunt drew attention to an interesting item of news. This was a report about how a group of people said to be Nobel prize winners had gone to meet destructive terrorist insurgents via the neighbouring country. I read in the newspaper of 21 February that Maj.-Gen. Khin Nyunt described their activities as being totally unprincipled.

It was only then that I listened to the long-turned off foreign radio again, curious as to what kind of new plots they have been hatching. I also asked those who are known to be regular listeners to also sought out some foreign news papers and read them.

It's like this among the seven so-called Nobel prize recipients preparing to carry out agitational activities in the neighbouring country regarding the internal affairs of our country, is Bishop Desmond Tu Tu of South Africa and he is known to have arrived at the capital of the neighbouring country on 14 February. It is said that the rest of them arrived on 16 and 17 February.

It is seen that the Government of the neighbouring country seems to have treated their arrival with considerable caution. Some of those of the neighbouring country are known to have commented that these Nobel prize recipients ought to make up their own minds as to whether it would be right and proper for them to cast aspersions upon the Myanmar Government while they were on the soil of the neighbouring country. A responsible official, a Lieutenant General is known to have even warned those who oppose the Myanmar Government against making capital of the itinerary of the Nobel prize recipients. He is known to have said that all those who attempt to stage demonstrations in front of the Myanmar Embassy would be arrested. As the Dalai Lama is also included in the group, there seems to be considerable anxiety that criticism of China would also be voiced. The military leadership of the neighbouring country has also been critical of the itinerary. There have been anxiety that relations with Myanmar Naing-Ngan and with China and would be affected.

The Government of the neighbouring country has clarified that this itinerary was a private one arranged by an organization supposedly dedicated to human rights and propagation of democracy headquartered in Montreal, Canada. They have also said that the Nobel prize recipients are not being recognized or accepted as

political leaders of any kind.

I wonder what kind of unpeaceful activities these great big Nobel peace prize recipients have been up to. Some countries have in fact been known to have refused to grant them visas.

What this of course means is that these great big Nobel Prize recipients cannot be said to enjoy the full support or confidence of the international community. It is of course natural that they may show mutual support amongst themselves. For instance, it is said that Mikhail Gorbachev supports them. Actually, what this great big Nobel peace prize recipient Mikhail Gorbachev should be doing is to try and create peace in his old 'Soviet Union' which has disintegrated and is beset with wars!

These great big Nobel prize recipients who were the butt of jibes and titlers from the time they arrived before long, proceeded to interfere in the internal affairs of the Myanmar Naing-Ngan. They soon began to scream frantically that the Myanmar Naing-Ngan should release political prisoners and that arms should not be sold to Myanmar Naing-Ngan. This is nothing less than interference in our domestic affairs which concern ourselves only. Why are they saying such things aimed at weakening the defence capability of the Myanmar Naing-Ngan instead of blaming the biggest arms-trading nation in the entire world.

Who is making them say such things?

Actually, it is obvious that these great big Nobel prize recipients have never been to Myanmar Naing-Ngan. Indeed, do they know anything at all about the Myanmar Naing-Ngan?

It is said that these great big Nobel prize recipients visited a 'refugee camp' in the neighbouring country. And it is further said that the South African Bishop Desmond Tu Tu even led the chanting of slogans for KNU independence.

What this of course means is that a great big Nobel peace prize recipient is giving encouragement and support on a matter which would lead to the disintegration of the Union of Myanmar and to the outbreak of internecine armed conflict in which blood would flow like rivers. They are even boasting that the visit of the Nobel prize recipients to the border constitutes part of the unprecedented agitational offensive. It is surprising indeed that such so-called 'men of peace' should engage in 'offensives' of this kind.

And who are these so-called 'refugees' which the great big Nobel prize recipients have gone to meet? They are nothing more than terrorist insurgents who go under the name of KNU and their equally terroristic underlings, the ABSDF, all of them who have absconded from this country.

And who are the KNU? They are essentially terrorists who began their activities way back in 1948 with narrow racist concepts and in obedience to the incitement and encouragement of their colonial masters. Their callous and blood-thirsty activities are well-known in Myanmar Naing-Ngan. The Phyu massacre is a case in point where hundreds of innocent and harmless people were murdered. The number of times in which the KNU have mined railway trains is beyond count and innumerable have been the innocent civilians killed and maimed in the process. And who do you think were those who kidnapped young university girls so that they

could be exchanged for arms and ammunitions from the 'white chinese' Kuemintang...they were no other than the KNU. There will be no end if we are to narrate all the evil things they have done to deserve the crown of cruelty.

Unable to withstand the vengeance of the people and the onslaught of the Tatmadaw combined, they fled to the border, they engaged in questionable commercial enterprises and assumed the name of 'refugees' so as to gain greater ease of movement. The KNU have never exercised the slightest iota of human rights or democracy in their entire existence. And it is amazing indeed that such disciples of Satan and advocates of evil should get together with so-called 'men of peace'.

I, Maha Thamun can only see this development as a new and vicious step calculated with wanton wickedness to try and bring about the disintegration of our Union, disruption of national solidarity and compromise our sovereign integrity.

HANDS OFF! HANDS OFF!
(Aung Min)

As a true citizen of Myanmar, I Aung Min, have been pondering deeply how natural and full of impact are our Myanmar proverbs.

Among the many proverbs there is one which infers that though one may be full of knowledge forgetfulness may be one's undoings: another proverb infers that one mis-step may be more than enough to spoil a journey yet another saying infers that a person who pretends to be a friend can be more dangerous than an obvious enemy.

Just think of the first saying that even though one may be full of knowledge forgetfulness maybe one's undoing. There can be no truer words. One may have all the degrees and honours testifying to a great deal of knowledge; but if this is not accompanied by sound judgement and worthy values are forgotten that person is bound to make alot of mistakes. When we talk about knowledge it would be insufficient to consider only worldly knowledge; for, this is shallow and cursory; it is only when we have knowledge of the natural laws and genuine truth that a person may be termed trully knowledgeable.

Whatever knowledge one may have accumulated should be of benefit and faultless for the person concern as well as for the world. It is only a person who possesses such worthy knowledge that can be considered to be really noble. Of course a person who can make the most potent and the most toxic poison gas weapon may also be considered knowledgeable: But it is exactly this kind of knowledge which has brought about today's world which is under constant threat of nuclear, thermo-nuclear atomic bombs, hydrogen bombs and such creations have also caused arrogance of the highest order.

But indeed, it is due to those who possess such knowledge of chemistry and physics that the world today is so extraordinarily full of suffering and anxiety. Thinking along these lines, one cannot help wondering if one has in mind the

security and welfare of human society that it might after all be a mistake to award a Nobel Prize to individuals who possess such harmful knowledge.

At one time in the past, I, Aung Min as one who was born during the period of servitude when the Myanmar Naing-Ngan was a slavery under the British, I used to have a high opinion of everything the British or the European did said or wrote. And when it comes to the radio, the choice was BBC. And of course I also used to have a high opinion of the Nobel Prize recipients.

But now, I Aung Min have become wiser. I had to struggle to free myself out of this slough of the British slave education system. And as for the BBC, I have come to know beyond all doubt that it is the most unprincipled and dishonest broadcasting station which will stoop to the lowest levels to achieve its ends.

Among the Nobel Prize recipients there are some who do not possess sufficient self-respect or sense of honour enough, and such as they are callously engaging in activities which amount to interference in the internal affairs of another country. Without even an iota of self-respect, they have a high opinion of the cruellest of murderous groups which have so far existed; and they have gone to visit such criminals, murderers, bandits and rapists at the camps in the jungles. And what is more they have been taken in by the hypocritical cries of "Stop thief!" being shouted by the gangs of thieves. This was the scenario in which some Nobel Prize recipients were hoodwinked as I have heard a few days ago. Pitiabile creatures!

It is indeed beyond belief that these Nobel Prize recipients supposedly dedicated to democracy and human rights have visited the terrorists insurgent camp on the border and that they even had discussions with them.

Let me give you an analogy. It would be like electing "pimps" to office in measures being taken to eliminate prostitution: what else would be the results but an increase in prostitution under such circumstances?

Since they are people who would understand only frank and candid talk, I'll have to say that KNU Nga Mya and his cohorts have never had democracy or human rights in their mind and they will never ever have been. This is because KNU are creatures whose activities of murder, robbery and rapine are diametrically opposed to the values enshrined in democracy and human rights.

If all the victims who have suffered at the hands of KNU Nga Mya and his cohorts are to open criminal cases practically all the Sections in the Penal Code dealing with the cruellest and most atrocious offenses will have to be used.

The notorious Phyu Massacre; the indiscriminate machine-gunning of the passenger after the Dagon Lwin train was mined (this kind of thing happened repeatedly); the death of a large number of people when a hand grenade was thrown at the Shwesaryan Pagoda Festival; the killing of people in the machine-gunning and rocketing of the Shwegun passenger ferry, etc, etc, etc..... All such atrocities criminally carried out through many years of vicious actions by the KNU. And the fact that the Nobel prize recipients have gone out of their way to meet such disciples of Satan and advocates of viciousness speaks much about the truth of the Myanmar saying that one mis-step maybe more than enough to spoil a journey. Isn't it true?

The fact is today there is a need for a new constitution for the emergence of a genuine democratic State in the Myanmar Naing-Ngan; in other words, if I am to express it in the language of the man in the street, to make it possible for the systematic emergence of a civilian government and to make it possible for it to administer the country. Once such a constitution emerges, we need no longer be anxious that the nation may disintegrate; we won't have to worry that the democratic system maybe opposed, and what is more we will have all guarantees for the propagation of the worldly values of justice, liberty and equality. Only such guarantees are in existence would the Tatmadaw which has risked and sacrifice much in their defence respectfully hand over power with full peace of mind.

Now efforts are in full swing in preparations for the emergence of such a Constitution. This is the essence of the National Convention being held. It is at this National Convention that the fundamental principles will be discussed comprehensively at length. Once that is done, the Constitution will be framed; it will be approved in a national referendum and the State Law and Order Restoration Council will have peace of mind, and having made it possible for the emergence of a civilian government it will hand over power with great joy and pageantry.

And all these are endeavours being made by the State Law and Order Restoration Council for the firm establishment of a new State and for the welfare of the entire nation and with genuine goodwill and respect towards the nation and the people. To put it shortly, the State Law and Order Restoration Council is striving in a practical way with straightforward honesty to bring about an authentic multiparty democracy system in a country.

At such an important time of this when the National Convention is being held, these Nobel prize recipients have been behaving as in the saying that Mara attempts to deter the enlightenment of Buddha. These Nobel Prize recipients have not shown the least respect for the honour which have been bestowed upon them. Indeed, they have misused the honour. By acting as advocates gratis for KNU Nga Mya. (Gratis? Whether or not these Nobel Prize recipients have been doing all this for free or not. Aung Min has no means of knowing. God, perhaps may know about this affair). Well, they have arrived at the neighbouring country. Both countries profess Theravada Buddhism. But the neighbouring country which we believe would uninterruptedly exercise mutual metta, karuna, mudita and upekkha as embodied in the brahmavihara accepted the Nobel prize recipients without considerations whether it was appropriate or proper.

It is said that after this they will try to bring pressure upon the Myanmar Government by widely disseminating false allegations as created by the leader of the murderers, bandits and terrorists among the international communities and at the United Nations.

Well, if I speak out it may amount to Aung Min's taking too much for granted. However, since there are people who will know only when they are told, Aung Min will speak out; I say, "These Nobel prize recipients as well as neighbours far and near are warned to keep their hands off the internal affairs of the Myanmar NaingNgan at this time when a high momentum has been gained in the serious and continuing discussions and coordination being carried out by the State Law and Order Restoration Council, all the political parties, the workers, the peasants, the intelligentsia and technocrats and the nationalities delegates in the on-going endeavours for the emergence of a multiparty democracy system in the Myanmar Naing-Ngan; but if, on the other hand, interference and disruption continue only you and no one else will be held responsible for the failure of democracy in Myanmar Naing-Ngan. This you must keep in mind.

STATEMENT OF MIRIAM MARSHALL SEGAL
House Foreign Affairs Committee
March 25, 1993

OPENING STATEMENT

As an American businesswoman whose company has been working in Myanmar, I appreciate the opportunity to present a statement to this committee as it considers the future of U.S.-Myanmar relations.

CREDENTIALS

My name is Miriam Marshall Segal. I am Chairperson of MMAI Holdings, Ltd., an affiliate of Peregrine Investments Holdings, Ltd., a noted Hong Kong-based investment bank. Since 1968, I have been associated with business enterprises in Southeast Asia. I began visiting Myanmar in 1978 to look for business potential. For several years, I worked at developing the cottage industries of the country and engaged in some import and export activities. In 1990, my company signed an agreement to develop and exploit the offshore fisheries resources of Myanmar in a joint venture with Myanmar Fisheries Enterprises, Ltd. This joint venture company, Myanmar American Fisheries Company (MAFCO) was the first multinational joint venture company formed in Myanmar. Apart from profits from the joint venture, MAFCO also brings to Myanmar its technical, marketing and management expertise. In the course of my activities in Myanmar, I have had the opportunity to interact closely with many people, all the way from ministers and high-ranking military officials to people in the streets and marketplaces.

BUSINESS CLIMATE

I would like to offer my observations today about doing business in Myanmar from an American perspective, and how this constantly improving business climate is changing the economic scene. I believe that these changes are bringing Myanmar out of its shell of traditional isolation. I believe it is vital for the U.S. to be an active participant in this process, both economically and politically, if we wish to have a significant role or influence in the future of this country. The pace of the transition will be dictated by domestic compulsion and not outside pressure, and what cannot be attained by pressure will be attained by friendship.

PERSONAL EXPERIENCE

My first-hand knowledge and experience of Myanmar lead me to believe that our view of Myanmar must take into account three important perspectives:

- First, there has been significant progress during the last 18 months in terms of an open political dialogue within the country and a movement towards democracy as well as a more emphatic recognition of the importance of business and free markets in national development. So much of the information bandied about Myanmar today is simply a repetition of matters mentioned in the press many months or years ago, and fails to reflect the dramatic change which has occurred and continues to occur in the country. We will be doing a great disservice to ourselves and to Myanmar if we deliberately choose to blind ourselves to the progress of the last 18 months.
- Secondly, I wish to offer some perspective on the fact that the state of Myanmar is comprised of people with many languages, ethnic identities and religions. As recent events around the world have shown, not to mention European and American history, it is a difficult and time-consuming task, sometimes taking several decades, to meld these various strands into a stable and viable democratic state.
- Thirdly, I would like to point out that it does not always have to be that we are doomed to repeat the mistakes of history. Our experiences in Vietnam, Latin America and elsewhere should teach us that democracy is not an export commodity. Rather as the recent histories of Chile, China and some other countries suggest, democracy will begin to take root only when it is an indigenous plant, resplendent in its native hues but democratic nonetheless.

Since obviously the first of these perspectives is based on my numerous extended visits to the country, I shall deal with them at some length and, in my status as a reasonably informed and concerned citizen, touch upon the other two points.

MYANMAR BACKGROUND

Myanmar's traditional isolation and the events of 1988 have kept the United States and the rest of the world at a distance ever since. Concern over

Myanmar's human rights situation and shortcomings in implementing the results of the 1990 elections have especially affected U.S. relations. Other countries, however, have not felt so constrained, particularly on economic issues.

When looking at Myanmar, we should remember that:

- Myanmar is a nation of 42 million people—about the same as Spain, Poland or South Korea—living in an area nearly the size of Texas.
- This is a land of fertile soils which prior to World War II was the world's largest exporter of rice and which today is the world's most important source of teak.
- Its rich natural resources include oil, natural gas, tin and precious stones like rubies, sapphires and jade.
- This is a country without strong democratic traditions where the military has ruled continuously for 30 years. However, based upon their public pronouncements and several concrete steps taken by the present government, it is clear that they are committed to making a transition to a more democratic state. They also believe it is important to reserve a role for the military. While Americans might like to see a non-military democracy emerge more quickly, the reality of the situation in Myanmar is that until such time as education and economic prosperity become reasonably widespread, fratricidal conflict will be inevitable without the military having some say in the government in the early stages.

POSITIVE CHANGES

I would like to offer some observations on the dramatic changes which I as a businesswoman have seen in Myanmar over the past few years. In 1978, when I first began working in Myanmar, it was a one-man military dictatorship which closed the country to the outside world. The prevalent atmosphere was marked by authoritarian fiat, stifling red tape, a suspicion of everything foreign, particularly capitalism and the market economy, not to mention a foreign businesswoman like me. Through good fortune, I was able to begin working through a Myanmar businessman who became my agent, but our efforts were greatly restricted.

The very idea that a foreigner could help modernize and improve industry or agriculture was sheer anathema. The import of technology was

considered unnecessary, and travel by Myanmarers overseas virtually impossible. In contrast, as a result of changes in policy during the last two years, foreign industry, collaborations and investments are now welcome; the waiting list at airline counters is proof enough of the number of Myanmarers citizens who now travel abroad. Once these trends are set into motion, a more open society and democracy cannot be far behind. In just the last two years, several hundreds of Myanmar nationals have established substantially large businesses. Every new law and regulation dealing with the economy which has been enacted during the last two years has dismantled controls, making it easier for both Myanmarers and foreigners to engage in business.

GOVERNMENT STEPS TOWARD LIBERALIZATION

An important indication of the present government's thinking may be gleaned from the vast resources it has been allocating to improve living standards of several ethnic minorities. Too often, in countries without democratic traditions, democracy simply means the tyranny of the majority. By its allocation of scarce resources to help minorities, the present government is proving that its commitment to democracy is more deep-rooted than the simplistic goal of majority rule. Of equal note is the government's most vigorous anti-narcotics drive, which has been favorably recognized by the U.N. Once again we see a commitment to a civilized community by the government's allocation of resources in this area.

Most importantly, a national convention comprising 702 delegates is now engaged in drafting a new constitution. Delegates to the convention consist of eight groups: political parties, representatives of ethnic nationalities, existing legislators, labor, academicians and technocrats, representatives of state enterprises, military personnel, and other invitees. Each of the groups are more or less evenly represented, and they conduct their deliberations openly. We should not short-change this constitutional convention by making judgments in advance.

LOCAL COMPULSIONS AND CHARACTER

Myanmar is far from being a modern economic state or a liberal democracy. But we must remember that the ruling Council in Myanmar is not the creator but rather the inheritor of the present situation. Sadly, Myanmar as a country was completely closed to the outside world and, as a result, its social and political institutions did not have an opportunity to grow in a manner compatible with 20th century notions of democratic government. Now that there is a leadership which wants change, but in a

gradual and orderly manner, it behooves us to question whether we have the knowledge and wisdom to substitute our timetable for theirs.

Everyone in Myanmar that I have spoken to—business people, members of the opposition, government officials and members of the diplomatic community at large—are of the firm belief that in a relatively brief period of time Myanmar must and will have a representative government. The overwhelming concern is that this goal should be achieved **without anarchy, chaos and a complete fragmentation of the country.**

Various tribal, ethnic, religious and regional loyalties will have to be integrated into the idea of nationhood. A fragmented Myanmar simply will not be able to achieve the economic progress its people so desperately need. At the same time, a political culture and other institutions must be cultivated so that they can sustain differences in matters of language, religion and local interests while also nourishing the common causes of the nation. An election, such as the one which took place in Myanmar, where dozens of political parties sought office and a majority was created not by a common ideology but as a result of overnight coalition-making, does not do much credit to the noble idea of a parliamentary democracy. A young man in Myanmar put it very eloquently when he said, "It will be a sad story if on the way to democracy, we end up with anarchy." This remark was made to me about 18 months ago. The strife and horrors now taking place in Yugoslavia vindicate every word of his remark. In our passion to promote elections as a panacea for all ills, we sometimes forget fundamental underlying problems. Robert Reich, Secretary of Labor, put it best when he said, "In the life of a nation, few ideas are more dangerous than good solutions to wrong problems."

IMPLICATIONS FOR THE U.S.

Thanks to an American policy of tolerance combined with moral persuasion for nearly 20 years, China was able to mold its destiny at its own pace without tearing up the country. Would it not make sense for America to show that same tolerance toward a country the leaders of which have indicated their desire and commitment to evolve into a democracy? Would it be fair for us to pressure Myanmar only because it is a smaller country than China?

The question for the U.S. is whether we are going to be participants in the dramatic changes taking place in Myanmar. The President talks about the importance of placing top priority on improving the economy; however, in foreign policy issues, the argument seems to be that we should use depressive economic measures to promote our political objectives. This is

inconsistent. Promoting economic development not only helps American business and the American economy, but is also the best way to promote our longer-term political objectives.

WHAT SHOULD THE U.S. DO?

What should the United States be doing in Myanmar? I cannot speak for the political issues in any detail, but from the economic perspective, I believe the following steps are important:

- Promote exchanges which bring Myanmar's business leaders and young people to the United States to see how we do things.
- Explore ways to send more books and information about American economic and political ideals to schools and communities in Myanmar.
- Assure MFN status for Myanmar, and provide the comfort that such status will not be reduced to a petty bargaining tool.
- Establish a dialogue at the highest level with the Myanmar government by the dispatch of an American Ambassador. It is unrealistic and counter-productive for the United States not to have had a resident Ambassador in Myanmar for three years now; in fact we are the only major nation not represented by an Ambassador. The absence of an American Ambassador does not increase the pressure on Myanmar as proponents of this foolish notion believe. It only makes the United States irrelevant in the dialogue for political and economic change. I strongly urge this committee to recommend that an Ambassador be sent as a matter of top priority. If the United States wants to play a role in the future of Myanmar, it is vital that we engage the Myanmarers at all levels including the very highest. I recently had the pleasure of meeting the designated American Ambassador, Mr. Parker Borg, a career diplomat who has worked very hard in familiarizing himself with the language, customs and problem areas in Myanmar. We would be the losers to let such talent go to waste.

CONCLUSION

I respectfully submit that we can help Myanmar in a meaningful way and speed its progress toward democracy if we adopt the steps outlined above. An exposure to international commerce and the economic advancement of its people will be a sure and swift method to spread both freedom and

capitalism in Myanmar. Certainly, America must as always use its powers of moral persuasion to influence events which promote the cause of human rights and personal freedoms. But let us not impose our preconceived framework and timetable. We will never be able to fully understand, evaluate and be empathetic to the numerous underlying social and political currents in the country.

In conclusion, I urge this committee not only to evaluate what I have stated but also to recognize that in the matrix of history as it stands in 1993, the battle for liberal democracy has been fought and won. It would be particularly apt for me to quote from Francis Fukuyama's book, "The End of History and the Last Man," in which he states:

"[T]here is a fundamental process at work that dictates a common evolutionary pattern for all human societies—in short, something like a Universal History of mankind in the direction of liberal democracy. The existence of peaks and troughs in this development is undeniable. But to cite the failure of liberal democracy in any given country or even in an entire region of the world as evidence of democracy's overall weakness, reveals a striking narrowness of view. Cycles and discontinuities in themselves are not incompatible with a history that is directional and universal, just as the existence of business cycles does not negate the possibility of long term growth."

DINACG

I respectfully submit to this Committee that constructive rather than coercion or sanctions should be our policy in Myanmar, unless, of course, we are determined to forget the lessons of recent history.

**STATEMENT BY FORMER PRESIDENT ARIAS, NOBEL PEACE PRIZE LAUREATE,
BEFORE THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS: FEBRUARY
1993**

Mr. Chairman,

This is the first time that I have had the honour to address the Commission on Human Rights. You are well aware of my concerns and efforts regarding the fate of the countries in my own Central American region. You are also familiar with my hope that those nations, before long, may live in peace and freedom, silencing the weapons that have thundered for decades.

However, I have not come before you today to speak of the pain and persecution that afflict millions of my compatriots on that narrow stretch of American soil. A marvelous woman, Rigoberta Menchú, has already done that much better than I could have.

I have come here to say that, though much progress has been made in the field of human rights over the last years, I continue to feel the burden of the years that elapse without affording us a glimpse at an end to injustice, an end to oppression, to war or to violence.

When I speak of injustice, I mean everything that represents an obstacle to human happiness. I am referring to everything that hinders a human being's spiritual integrity and to everything that increases the pain and suffering of our fellow kind.

When I speak of oppression, I think of the uselessness of any political system not based on democratic principles. I am referring to the negation of liberty, the most sacred of rights, and to the denial of the chance that peoples should have to elect their governments and to decide on their future, with full participation on the part of all citizens. I mean the absence of freedom of expression and information.

When I speak of banishing war and violence, I advocate delivering a large part of humanity from fear, destruction and death. I demand the right for all men and women not to see their lives and belongings threatened.

I am unable to understand why, after so many centuries of progress toward a higher stage of civilization, we are still confronted by the enormous proportions of injustice, oppression, war

and violence. It hardly seems possible to me that so many peoples of the world are still deprived of the blessed experience of enjoying freedom. It appears unforgivable to me that, throughout the world, nations, ethnic groups and individuals should be victims of persecution, expatriation, hunger and torture. The persistence of hate and destruction is intolerable. We are moved by the countless number of human beings who lose their lives or lose the opportunity to live decently because their most-basic human rights are not respected and because the following lesson still remains to be learned: dialogue, not violence, is the only tool for settling our differences.

Unfortunately, for many years to come, human history seems doomed to be a more-faithful portrayal of ignominy than of the grandeur that the human mind is destined to create on this Earth. Exploiters, tyrants, executioners and torturers continue to exist side by side with opportunism, cowardice, indifference and ignorance on the part of many.

We have indeed progressed, but our impatience must not be lesser than that of subjugated peoples and aggressed men and women. We can no longer be content with the scarcely perceptible satisfaction derived from occasional successes here and there. Women, men and children who are dying every hour as a result of the still-existing repression in many corners of our planet cannot wait. They have no successes to applaud. The thousands and thousands of human beings who, at this very instant, are suffering imprisonment and torture receive no encouragement whatsoever from our meager victories. In many countries of the world, entire generations have been born, have lived and disappeared without enjoying the right to elect their representatives, without attaining the right to dissent, without even having the possibility to emigrate in search of better opportunities -- in essence, without experiencing freedom.

Dear friends, I plead impatience and ask to be heard when I speak on behalf of those whose rights are trampled and who cannot speak for themselves. I have had the good fortune to live in a climate of liberty and in the midst of a people that decided, once and for all, one hundred years ago, to enshrine democracy and continue perfecting it. That people has granted me the opportunity and the mandate to speak on behalf of the oppressed.

Today, in representation of the Nobel Peace Prize Laureates, I want to speak to you about the suffering of the Burmese people.

Mr. Chairman,

All the representatives present here today are familiar with the recent and tragic history of Burma. You know how what was formerly a gem of the Orient has been reduced to the state of an impoverished nation, in every meaning of the term, except in its spirit. The country has been plundered by a brutal regime that is devoid of even minimal concerns for principles of elementary justice.

The representatives will recall how, in May 1990, following two tumultuous years of action arising from a grass-roots movement, the military regime yielded and accepted the people's aspirations, carrying out elections, which, though possibly not fair, were clearly free.

Despite its leader's prior incarceration, the National League for Democracy, headed by a true daughter of Burma, Aung San Suu Kyi, won an impressive majority of votes and more than 80% of the seats in Parliament. These electoral results demonstrated the people's overwhelming confidence in the democratic process. The vote should have restored civilian power and overthrown the military regime that had terrorized its own citizens.

Instead, Mr. Chairmen and representatives of this Commission, the terror has continued.

More than three years have gone by since Burma's people chose democracy, and, during that time, power has not been transferred. Democratic leaders have been arrested and tortured, and some have disappeared. A reign of terror, which has stifled all civil, political and social rights, continues to repress a people whose only desire was to elect its representatives freely.

Amongst those people deprived of liberty is Aung San Suu Kyi, the 1991 Nobel Peace Prize Laureate. She was offered exile in exchange for abandoning her struggle against Rangoon's repressive military regime. However, she has remained devoted to her principles and her cause in spite of the disheartening isolation in which she is forbidden any contact with her followers.

In the dark and lonely nights of the Burmese people, she continues to represent a beacon of hope and a source of inspiration. Though oppression has silenced Aung San Suu Kyi, her silence has become her greatest strength.

Nevertheless, Mr. Chairman, representatives, citizens and governors of the international community, all the Laureates, including myself, believe that our sister's silence has lasted too long.

Aung San Suu Kyi has been deprived of her freedom. We demand that she be able to recover it. Her voice has been relegated to silence. We demand to hear it again.

Mr. Chairman,

This noble Commission led the international community in condemning the measures taken by the disgraceful Burmese regime and requesting the restoration of democracy and human rights in Burma. However, despite demands by the United Nations and efforts by many governments, the Rangoon regime continues refusing to grant her basic rights.

Therefore, we Noble Prize Laureates have united in this unprecedented mission in order to obtain her release and to remind the world of the atrocities that totalitarian regimes can perpetrate.

This mission is based on our conviction that, while moral force can be marginalized, it cannot be ignored, particularly when it is rooted in the causes of freedom and democracy.

We, as Nobel Peace Prize Laureates, have undertaken this mission with three objectives in mind:

We want to persuade the State Law and Order Restoration Council to free the thousands of political prisoners currently deprived of their freedom and to restore and guarantee the Burmese people's basic human rights.

Finally, we want the citizens of Burma to live in democracy. They have paid for that right with their leaders' blood, and they have been deprived of it by an illegal military regime that is one of the most repressive in the world.

We presented a simple and direct request to the Burmese authorities: we wanted to contact high

government officials, insisting that we be given the chance to meet with our arrested sister. Our request was rejected. When terror prevails, leaders are afraid.

With no possibility of direct access to Burma, we went to Thailand, where we had the privilege of interviewing His Majesty the King, the Prime Minister and high officials of the royal government. We were able to speak with devoted activists and representatives of non-governmental organizations. It was also possible, as we had desired, to establish contacts with refugees who had been victims of persecution in Burma.

Those contacts with refugees, who had just recently arrived in the camps established all along the border between the two countries, constituted a moving experience for all of us. We had the privilege of hearing direct accounts from men and women who had been forced to flee because of the situation that prevails in their own land.

They told us of the military regime's ruthless measures, of forced hard labour, unspeakable suffering, torture and widespread general barbarities.

Our hearts bled as we listened to the stories of so much suffering and humiliation. In the end, we all wondered: "how is this possible, and what must we do?"

We should use our voices so that all their voices may be heard.

Following our trip to Thailand, we set two clear objectives, which we present to you with a strong sense of urgency.

We wish to mobilize the international community's moral and political forces in order to put an end to the barbarities perpetrated by the State Law and Order Restoration Council (SLORC) of Burma, and we want the immediate and unconditional release of our sister Laureate, Aung San Suu Kyi, and of all political prisoners.

We also demand that the SLORC accept the results of the 1990 elections and immediately engage in talks with the freely elected leaders in order to restore democracy. We state unequivocally that Aung San Suu Kyi should take part in such talks.

Mr. Chairman and representatives,

We are here today to urge you to use your individual and collective influence, as well as your good offices, to put an end to tyranny in Burma.

Moreover, Mr. Chairman, we, as Nobel Peace Prize Laureates, would like to present several recommendations to this Commission, to the United Nations and to the international community.

First of all, we recommend that the United Nations Security Council examine the present situation in Burma without further delay. We are convinced that the measures taken by the SLORC against its own people are a source of regional instability and constitute a growing threat to regional security.

Secondly, we recommend that the Commission on Human Rights, in its current session, pass a resolution firmly condemning the Rangoon regime for its continual human-rights violations.

We Laureates are astounded by the ease with which the regime is able to procure the arms used to repress its own people. Northern and Southern nations continue their immoral sale of weapons to Burma, and we are especially concerned by the fact that last year's figure for arms sold to Burma by the People's Republic of China was 1.2 billion (1,200,000,000) U.S. dollars.

Thirdly, we recommend that the United Nations impose an immediate, global and efficient embargo on arms intended for Burma.

Fourthly, we recommend that the United Nations and the international community impose a boycott, including economic and investment sanctions. We urge governments to remind their societies that foreign investments provide the regime with unfitting legitimacy.

Fifthly, we recommend that all bilateral and multilateral aid granted to the regime be only and exclusively of a humanitarian nature.

Sixthly, we recommend that the democratic governments in the international community recognize the movements opposed to the SLORC regime and provide them with political and humanitarian assistance. We urge all political forces to engage in talks that may allow for a

peaceful solution to the challenge faced by the people of Burma.

Seventhly, we recommend that the countries of the Association of Southeast Asian Nations use their strong influence in persuading the SLORC to give democracy back to its people.

Finally, in awareness of the concerns and recommendations indicated in previous United Nations resolutions relating to Burma and in the face of the opprobrious attitude on the part of that country's authorities in their refusal to respect said resolutions, we urge that the necessary measures be taken in order to suspend Burma's membership in the United Nations until the government of Myanmar has released Aung San Suu Kyi and all other political prisoners and until democracy has been restored.

We are convinced that these measures, as a whole, will enable those who have been silenced to make their voices heard again. The men and women that we saw, as well as the thousands on behalf of whom they spoke, deserve nothing less.

Please allow me, Mr. Chairman, to thank the governments and peoples of Canada, Costa Rica, Switzerland and Thailand, the Swiss-Burmese Association, the Honourable Edward Broadbent and the International Centre for Human Rights and Democratic Development for their help in this mission.

I plead with all those gathered here today to join us in this effort. Aung San Suu Kyi said that "those who must build a nation should free their minds of apathy and fear." Those who fear her have silenced her. Our task is to free her so that she and her compatriots together can build the nation so deserved by that marvelous country.

Thank you very much.

Statement of Karen Parker, J.D., non-governmental representative at the United Nations, presented to the Subcommittee on Asian and Pacific Affairs.

Chairman Ackerman and members of the Sub-Committee:

I am pleased to have this opportunity to provide the Sub-Committee with information regarding Burma and my views on what United States policy should be towards that country. I am an attorney specializing in international law with an emphasis on human rights and humanitarian (armed conflict) law. For the past eleven years, I have participated at the United Nations Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities.

I have worked with International Educational Development (IED) and its Humanitarian Law Project to present the United Nations with the violations of human rights in Burma, especially in relation to the armed conflicts in that country and the regime's dismal record of compliance with minimum humanitarian law norms.¹ We presented Daw Aung San Suu Kyi's case to the United Nations Working Group on Detention at the request of her relatives.

This statement will set out the situation in Burma from the point of view of international law norms. It will also present actions taken at the United Nations and its human rights bodies, including a review of Aung San Suu Kyi's case at the Working Group. It will conclude with recommendations regarding United States policy.

¹See, e.g. U.N. Commission on Human Rights, Written statement of IED (Agenda item 10), U.N. Doc. E/CN.4/1992/NGO/40 (Feb.27, 1992)(discusses detention of Aung San Suu Kyi and other political prisoners); U.N. Commission on Human Rights, Statement of IED (Agenda item 12), reported at U.N. Doc. E/CN.4/1992/SR.40 (discusses human rights violations and ethnic nationalities); U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities, Statement of IED (Agenda item 6), reported at U.N. Doc. E/CN.4/Sub.2/1992/SR.16 (discusses humanitarian law and its violations); U.N. Commission on Human Rights, Statement of IED (Agenda item 12), reported at U.N. Doc. E/CN.4/1993/SR. 52 (discusses ultra vires nature of SLORC; armed conflicts)(hereinafter IED 1993 statement). The author has the full texts of all statements referred to in this document.

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There are three salient features of the situation of human rights in Burma: (1) the current regime is illegitimate; (2) the regime is particularly brutal; and (3) there is wide scale armed conflict, primarily involving the ethnic nationalities who have been fighting against the SLORC regime and its predecessor governments.

ILLEGITIMACY OF SLORC

Burma is now ruled by the State Law and Order Restoration Council (SLORC). After heavy pressure from the United Nations, in particular its Commission on Human Rights,² SLORC informed the Commission on January 29, 1990 that elections would be held on May 27, 1990.³ Election were indeed held on May 27, 1990, overwhelmingly won by the opposition National League for Democracy. However, SLORC refused to turn over power to the winners and remains in power today. The winners of the elections have been killed, imprisoned or forced into internal and international exile. Survivors have formed the National Coalition Government of the Union of Burma (NCGUB).

International human rights law provides that "the will of the people shall be the basis of the authority of government."⁴ Under international law, the NCGUB is the only legitimate government of Burma because it is the government chosen by the

²Burma had been presented to the Sub-Commission on Prevention of Discrimination and Protection of Minorities (Sub-Commission) under ECOSOC procedure 1503 (confidential procedure). The Sub-Commission sent the dossier to the Commission for the Commission's 1990 session. (See S. Ogata, Report on direct contacts with the Government of the Union of Myanmar, U.N. Doc. E/CN.4/1991/R.3). The Commission meanwhile had already adopted decision 1989/112 emphasizing the need for elections. In 1990, the Commission decided to place continue review of Burma under the confidential 1503 procedure. At the time, there was much discussion among us non-governmental representatives that this decision was in exchange for SLORC's promise to go forward with the elections. Beginning in 1992, review of Burma at the Commission has been public.

³See the regime's note verbale dated 9 January 1990 submitted to the United Nations Commission on Human Rights pursuant to Commission decision 1989/112. The full text of the note verbale is found in U.N. Doc. E/CN.4/1990/69 (9 February 1990).

⁴Universal Declaration of Human Rights, G.A. Res. 217(III)A, U.N. Doc. A/810 (1948), art. 21.

people. SLORC, having lost at the ballot box, cannot be called and should not be treated as a legitimate government.

Even so, SLORC continues to carry out the governance of Burma and continues to be recognized by the international community, including the United States. Well aware of its own illegitimacy, SLORC has specifically sought activities to "justify" itself in the eyes of its own people and the international community.⁵

One method used by SLORC is to appear to set up a post-electoral process for determining the political future of Burma.⁶ For example, SLORC selected some political figures to attend a constitutional convention (called the National Convention) to draft a new constitution as a necessary requirement to any change in government. The National Constitution was suspended after convening briefly in January 1993 and at the time of this writing has yet to be reconvened. Given the past performance SLORC, no credence should be given to this convention even if it reconvenes -- SLORC will annul any outcome not fully in its favor.

Because of its illegitimacy, SLORC "should not be allowed to represent the peoples of Burma in Burma, at the United Nations or anywhere. All acts of the regime are *ultra vires* and should be given no legal effect, whether these acts purport to ratify treaties, to rename the country or to hold a "convention" in which it will draft a "constitution" for the country."

⁵In this regard, SLORC closely parallels the regime in Haiti. However, in both situations, the international and external "negotiations" and "dialogues", such as SLORC's dialogue with the UN Commission and the Haitian regime's negotiations with the Organization of American States have no effect on transforming an illegitimate regime into a legitimate one. These actions do, regrettably, have an effect on manipulating international action and have effectively prevented the international community as a whole and the United States in particular from political responses more respectful of international law.

⁶In SLORC's latest statement to the United Nations Commission, it claimed to have "taken over the state to prevent the country from disintegrating . . . and [gave] assurances that it would hand over State power at an appropriate time" Statement of Myanmar, United Nations Commission on Human Rights, reported at U.N. Doc. E/CN.4/1993/SR.49.

⁷IED 1993 statement.

GROSS VIOLATIONS OF HUMAN RIGHTS

In part because of its loss of legitimacy and the resulting difficulties in maintaining government control, since May 1990 the SLORC regime has been one of the worst violators of human rights in the world. In addition to the complete lack of political freedom the people of Burma suffer summary executions; torture; arbitrary arrest and detention; denial of respect for freedom of the press, religion, association and assembly. Economic, social and cultural rights are also severely violated, and include the ecological plundering of Burma. Literally no human right is unaffected.

The Subcommittee has most certainly been presented with ample evidence of most violations -- evidence also presented to the United Nations Commission and Sub-Commission. For example, at its 1993 session, the U.N. Commission had before it the report of its rapporteur for Burma Mr. Yozo Yokota⁹ as well as reports from thematic rapporteurs and working groups.¹⁰ Concerns about the appalling situation in Burma were also presented by a variety of governments, including Australia, Barbados, Japan, Poland, Russian Federation, Finland, Norway, Canada, Chile, France, Sweden, Hungary, Switzerland, the European Communities and the United States and by many other non-governmental organizations.¹⁰ Six Nobel Peace laureates also made an appeal to the Commission, urging, *inter alia*, action at the Security Council.¹¹

At the 1993 Commission session, the Commission's Working Group on Arbitrary Detention issued its opinion regarding the

⁹U.N. Doc. E/CN.4/1993/37.

¹⁰See, e.g., P. Kooijmans, Report [on Torture], U.N. Doc. E/CN.4/1993/26 at pp. 76-78; B. Ndiaye, Extrajudicial, summary or arbitrary executions, U.N. Doc. E/CN.4/1993/46 at pp.102-105; Working Group on Disappearances, Report, U.N. Doc. E/CN.4/1993/25 at pp. 84-85; Working Group on Arbitrary Detention, Report, U.N. Doc. E/CN.4/1993/24 at pp. 43-46.

¹⁰Most of these statements are reported in U.N. Docs. E/CN.4/1993/SR.28-34, 38, 45-55, 58-59.

¹¹Oscar Arias Sanchez made the statement on behalf of the laureates, reported at U.N. Doc. E/CN.4/1993/SR.30.

detention of Aung San Suu Kyi in response to our petition,¹² finding:

The detention of U Nu and Daw Aung San Suu Kyi is declared to be arbitrary, being in contravention of Articles 9, 10, 11, 19 and 20 of the Universal Declaration of Human Rights and articles 9, 14, 19 and 21 of the International Covenant on Civil and Political Rights and falling within categories II and III of the principles applicable to the consideration of cases submitted to the Working Group.¹³

The situation in Burma is compounded because of long-standing oppression of the ethnic nationalities in the territory. Many violations of human rights of these nationalities occur in the context of the armed conflict to be discussed below. The UN concern for these issues is reflected in its resolution 1993/73, presented by France, which largely repeats concerns raised by the General Assembly in its resolution 47/144, presented by Sweden.

ARMED CONFLICT

In spite of the illegitimacy of SLORC and its dismal human rights record, the most serious aspect of the situation in Burma is the armed conflict raging there. This situation is frequently omitted in discussions about Burma in spite of the fact that two of the most frequently raised human rights issues -- the forced labor of porters and large numbers of refugees and internally displaced persons -- arise out of the armed conflict.¹⁴ Because of the gravity of the violations of applicable humanitarian law, the armed conflict in Burma therefore warrants considerable attention now.

¹²In October 1991 International Educational Development, Inc. notified the Working Group of its intent to file on behalf of Aung San Suu Kyi under authority of several of her relatives. The petition was submitted 10 December 1991.

¹³U.N. Doc. E/CN.4/1993/24 at p. 46. The Commission's Working Group was established by the Commission at its 1991 session, and so did not exist to take Aung San Suu Kyi's petition at the time of her arrest.

¹⁴The porters are used largely to transport war material for the SLORC army. The refugees and internally displaced persons are fleeing military actions against civilians. SLORC is also forcibly relocating large numbers of persons as a military strategy.

Omission of discussion of the armed conflict has helped to foster the notion that all major human rights problems in Burma will be solved with removal of the SLORC regime and the transfer of power to the NCGUB. However, there are underlying problems, especially regarding ethnic nationalities, that had led to armed conflict pre-dating SLORC. For a number of years, the ethnic nationalities -- the Karen, the Mon, the Kachin, the Shan and the Karenni have fought for their rights against successive regimes. While true that the current armed conflict combines the issues of the ethnic nationalities with the opposition Burman political agenda, it is also patently obvious that any future government in Burma will have to address the aspirations of the ethnic nationalities in a genuine and sincere way.

The SLORC regime has sought to keep the international focus on the human rights situation rather than the armed conflict. This has been for several reasons, including the obvious one that it is better to be viewed as a human rights violator than a war criminal. SLORC clearly does not want to be put in the league to which it belongs -- that of the former Yugoslavia. Also, attention to the armed conflict draws attention to the underlying situation of the ethnic nationalities which the regime wants to avoid.

At the United Nations sessions SLORC has heavily resisted any discussion of humanitarian law and the armed conflict in Burma. For example, in response to our testimony at the United Nations, the SLORC right of reply statements refer to the resistance fighters as armed terrorist insurgents. The SLORC delegation has attempted to intimidate me and my organization because we persist in due attention to the armed conflict and humanitarian law violations. At the 1992 session of the Sub-Commission the SLORC representative, answering our allegations, stated

[O]n behalf of my government I should like to lodge a strong protest against the presence of certain individuals in this room. One or two have even taken the floor. These persons are nothing but unsavory elements who have joined forces with armed terrorist groups operating in the remote border areas of Myanmar. These groups have been committing acts of terrorism and atrocities against innocent civilian populations. These characters are being patronized by certain NGOs misusing their prerogative and who wish

to fish in troubled waters for their own personal interests.¹⁵

The SLORC regime also heavily resists any mention of the Geneva Conventions in the various resolutions that the United Nations bodies have tabled,¹⁶ and apparently has tried to severely limit the role of international humanitarian aid to the victims of armed conflict.

There are actually several armed conflicts in Burma: one is between the SLORC army and the opposition forces under command of members of the National Democratic Front (NDF)¹⁷ or one of several other groups controlling armies¹⁸ that with the National Democratic Front are part of the Democratic Alliance of Burma

¹⁵Statement of Myanmar, U.N. Sub-Commission (Agenda item 18), reported at E/CN.4/1992/SR.33. While it is common for governments to criticize the non-governmental organizations, the SLORC delegation has been especially intimidating. The regime even sent its delegation to a private non-governmental organization briefing session our organization co-hosted in the UN non-governmental lounge, traditionally off-limits to governments. We had invited leaders of the opposition groups to present testimony. To my knowledge, the SLORC regime is the only one to ever force there way in to one of our NGO sessions.

¹⁶While unsuccessful in keeping all mention of Geneva Conventions out of the resolutions, the regime has been successful in keeping mention at a bare minimum.

¹⁷The members of the National Democratic Front are: The Karen National Union (KNU), The New Mon State Party (NMSP), the Kachin Independence Organisation (KIO), the Chin National Front (CNF), the Arakan Liberation Party (ALP), The National United Front of Arakan (NUFA), the Lahu National Organization (LNO) and the Wa National Organization (WNO).

¹⁸The All-Burma Students' Democratic Front (ABSDF) and the People's Liberation Front (PLF).

(the DAB).¹⁹ The other armed conflict is between the SLORC army and the military forces of Karenni State.

The NDF/DAB-SLORC War

The NDF/DAB-SLORC armed conflict meets the customary international law test for civil war -- armed conflict between government forces and opposition forces who, under responsible command, exercise sufficient control of territory to carry out military operations and to be able to carry out obligations under humanitarian law.²⁰ The SLORC forces clearly carry out military actions against the NDF/DAB forces. The NDF/DAB has a clear chain of command and is able to sufficiently control and govern liberated areas now totalling 20% of Burmese territory. The NDF/DAB leadership and forces accept the rights and duties of humanitarian law in all aspects of their armed resistance to the illegal SLORC regime.²¹ Accordingly, all humanitarian law rules

¹⁹The Democratic Alliance of Burma is composed of 19 organizations whose purpose is to free Burma from the current brutal dictatorship and to install representative government committed to principles of democracy, human rights, equal rights and self-determination. The organizations of the DAB represent all sectors of society -- political activists, religious leaders and groups (Buddhist, Muslim Christian and other religions), students, national groups and thousands of people in exile. The DAB is aligned with the NCGUB and recognizes the NCGUB as the legitimate government of Burma. In addition to the groups mentioned above, the DAB consists of the All Burma Muslim Union (ABMU), the Muslim Liberation Organisation of Burma (MLOB), the People's Patriotic Party (PPP), the Democratic Party for a New Society (DPNS), the Committee for the Restoration of Democracy In Burma (CRDB), the Overseas Karen Organization (OKO), the Overseas Burma Liberation Front (OBLF) and the German Burma Association.

²⁰This test is the customary international law test for civil war and is used to distinguish actual armed conflicts from civil disturbances which may not be governed by humanitarian law. While the test exists independently of its presence in treaties, the test is set out in the Protocol Additional II to the Geneva Conventions, in force Dec. 7, 1978, 1125 U.N.T.S. 609, reprinted in 16 I.L.M. 1442 (1977).

²¹The DAB has communicated their commitment to comply with all humanitarian law obligations to the United Nations Secretary-General and to the United Nations General Assembly.

applicable to civil war apply to this armed conflict."²² And, the SLORC characterization of the combatants as terrorists is legally incorrect.

The SLORC forces are among the worst offenders of humanitarian law norms in recent times -- literally all of the most egregious war crimes are everyday occurrences in the course of the SLORC war. Violations occur against POWs and the civilian population alike: torture and execution of protected POWs; slavery, forced labor, torture of porters, rape, forced relocations, military actions carried out against the civilian population, destruction of the means of subsistence of the civilian population. These acts, violating the Geneva Conventions and customary humanitarian law, are grave breaches (war crimes) and should be treated accordingly.

The Democratic Alliance of Burma has recently requested international assistance in addressing three urgent problems arising from the war: (1) the situation of combatants of the armed forces of the SLORC regime that DAB forces are currently holding as prisoners of war; (2) combatants of DAB forces that the SLORC regime has captured and is severely mistreating;²³ and (3) the renewed attacks the SLORC forces are carrying out against civilians in the liberated areas.

The NDF/DAB armed forces are currently holding a number of combatants captured from the SLORC forces. Some of these POWs are severely wounded, and medical personnel have provided emergency treatment for them in conformity with Geneva Convention obligations. However, these wounded need continued care. They seek to turn them and the other non-wounded POWs over to a third party, such as another government, in order to best ensure their safety and in order to comply with the mandates of humanitarian law. These combatants cannot be turn over to the SLORC forces

²²These rules include Article 3 of each of the four the Geneva Conventions of 1949. Because the same text is found in all four Conventions, this article is widely known as common article 3. Common article 3, according to the International Court of Justice, forms a mini-treaty applicable in any armed conflict. 1986 I.C.J. 4 at para. 218. The armed conflict in Burma between SLORC and NDF/DAB could also be characterized as a war of national liberation governed by applicable international armed conflict rules due to the illegitimacy of SLORC. Regardless of how the conflict is characterized, minimum humanitarian law norms apply.

²³The armed forces of SLORC have summarily executed, tortured or severely mistreated all of the opposition combatants captured by them. The SLORC forces have literally no provision for maintaining POWs.

because there are no assurances that the SLORC regime will care for and protect their own returned combatants.

The SLORC regime is ready to carry out renewed extensive military operations against civilians. These new operations represent a major escalation of the savage actions carried out in previous offensives. During last year's offensive, 20,000 villagers were used as slave porters, and 100,000 to 200,000 civilians fled the well armed SLORC troops who relentlessly attacked Manerplaw. Nearly 70,00 sought refuge in Thailand. At the Manerplaw front, poorly-trained teenage SLORC conscripts were sent in human waves against the Karen positions. During that time, the SLORC forces also attacked the Arakanese Muslim areas, resulting in 300,000 Rohingya refugees in Bangladesh.

More recently, SLORC forces have again targeted the civilian population. For example, on October 27, 1992, the Karen village of Ler Moo Plaw was bombed by fixed wing aircraft belonging to SLORC forces at a time when many residents were in the fields harvesting crops. Twenty (20) were killed and sixty (60) wounded in this illegal military operation. Then, on November 1, 1992, the village of Htee Moo Kee was similarly attacked, leaving seven (7) dead and two (2) injured. Similarly, the SLORC forces have begun a fierce offensive against the Kachin people, and have attempted to use chemical weapons. New shipments of arms are arriving, especially from China.

The Karenni - SLORC War

The SLORC war against the Karenni forces must be addressed separately because the Karenni State is not now part of the NDF/DAB. The Karenni State has historically maintained itself independent of Burma and has consistently invoked the right to self-determination. The state, comprising approximately 4,800 square miles along the Thai border, has formed a government with a President, Mr. Kawkasa Saw Maw Reh, a Prime Minister, General Mahn Aung Than Lay, a Foreign Minister, Mr. Abel Tweed, and numerous other officials for internal affairs, agriculture, finance and the like. The government has a legislature of district representatives. From the Karenni legal point of view, the Karenni armed conflict against SLORC is either an international armed conflict or a war of national liberation/self-determination."

"Even if Karenni independence is not yet recognized by the international community, the Karenni conflict meets the test for a civil war independently of the NDF/DAB conflict. In any case, the armed conflict is governed by at least minimum customary humanitarian law rules.

According to the Karenni, the SLORC regime is attempting to deprive the Karenni of their sovereignty -- a right granted to them in the Burmese Constitution of 1947. In violation of that Constitution, the regime refers to them as a minority within the political domination of the government of Burma.

To support the Karenni claim of independence, the Karenni show that they have maintained themselves sovereign for several thousand years in spite of long periods of oppression by the Burmese, who attempted to subjugate them under their rule; the British, who tried and failed to incorporate them into British-ruled Burma; and by the succession of post-colonial regimes including SLORC. Accordingly, the Karenni are not a minority within the domination of Burma -- they are an independent people meeting every international test for self-determination.²⁵

The right to self-determination has been subject to careful scrutiny in reports prepared by two United Nations Special Rapporteurs, Hector Gros Espiell and Aureliu Critescu.²⁶ Although each rapporteur addresses the issue from different mandates, they concur regarding the basic elements of the right to self-determination -- elements that the Karenni claim to meet:

- (1) historical independence;
- (2) an identifiable territory;
- (3) a distinct culture, language and traditions; and last but not least,
- (4) a strong national commitment to independence and a demonstrated willingness to fight for it.

The following statement by the Karenni Ambassador at Large See Sein illustrates the Karenni position:

²⁵Self-determination is a peoples' right to choose their political status and to pursue their economic, social and cultural development freely without interference from outside powers. Its importance as a fundamental principle is underscored by its appearance in article 1 of each of the two major international human rights treaties, the International Covenant on Civil and Political Rights (999 U.N.T.S. 171) and the International Covenant on Economic, Social and Cultural Rights (999 U.N.T.S. 3).

²⁶ Critescu, The Right to Self Determination, U.N. Doc. E/CN.4.Sub.2/404/Rev.1, U.N.Sales No. E.80.XIV3 (1981) and H. Gros Espiell, The Right To Self Determination: Implementation of United Nations Resolutions, U.N. Doc. E/CN.4/Sub.2/405/Rev.1, U.N. Sales No. E.79.XIV.5 (1980).

"Our willingness to fight for our sovereignty is clearly demonstrated by the fact that we have been in a continuing war against successive Burmese regimes since 1948 and we have never ceded that sovereignty. Our military commanders have been brilliant against seemingly overwhelming odds. Our armed forces now receive instruction in the Geneva Conventions of 1949 and the Protocols Additional of 1977 which we have ratified. We solemnly pledge to the international community that while we will never abandon our quest for independence, we will comply with the international standards for war when we must defend ourselves militarily. We also pledge that we will seek out the S.L.O.R.C. perpetrators of war crimes against our people and will try them in our already established military courts.

Karenni seeks recognition and support for our sovereignty and our rightful place as a member of the United Nations. We also ask the international community to come to the aid of the people of our fellow state, Burma, to overcome the long years of oppression by the illegal S.L.O.R.C. regime. We are deeply moved by the sufferings of the ethnic nationalities in Burma as well as those of the Burmese political opposition. We long for the day when a free Burma and a free Karenni stand side by side as full partners."

As in the NDF/DAB armed conflict, the SLORC forces are particularly gruesome in the war with Karenni forces, violating every principle of humanitarian law set out in the Geneva Conventions and other international instruments. The SLORC forces enslave Karenni civilians as porters for their army, they torture and kill captured Karenni combatants, and carry out military operations against Karenni civilians and communities. Many Karenni have been forced to flee their traditional areas and live in refugee camps across the border in Thailand.

US POLICY

United States policy regarding the situation in Burma depends a great deal on the willingness of the United States to make its foreign policy conform to international human rights and humanitarian norms. If it chooses to, the United States can have a significant role in bringing about democracy to Burma and in assisting the democratically-elected government fulfill its obligations to its people.

To date, at the United Nations the US position regarding Burma has been lukewarm at best, and other governments have taken

the leadership in sponsoring action. Regardless of the reasons (deference to China, the realities of the ethnic conflict are the most commonly cited), US policy should and can change as follows:

1. The United States should recognize the National Coalition Government of the Union of Burma as the legitimate government of Burma. It should accept the credentials of the NCGUB Ambassador and should credential the US Ambassador to the NCGUB.²⁷ The United States should lead or support efforts at the United Nations to accredit the NCGUB as the true representation of the people of Burma.²⁸ The United States should encourage other states to accredit the NCGUB.

2. The United States should focus its attention on the armed conflicts in the area and the many violations of armed conflict law being carried out by the SLORC forces. Such a focus, besides being legally and logically sound, can also help were the United States to seek economic sanctions against SLORC.²⁹ There should be a Special Envoy to study the conflicts in light of international humanitarian law norms and report back to the Administration and Congress. The United States should assist opposition forces regarding captured POWs and provide other humanitarian assistance to victims in conformity with the Geneva Conventions. All effort should be made to prevent arms from reaching SLORC forces.

3. The United States can alone or with others present Burma at the Security Council for action by that body. The United States should not be deterred by Chinese maneuvers to protect SLORC. Issues raised at the Security Council should include at least war crimes, the arms trade, and meaningful sanctions against SLORC. In the event that the United Nations credentials SLORC, the United States should invoke Article 32 to assure

²⁷From the proper legal point of view, the United States failure to name a new ambassador is helpful even though the failure is political and unrelated to analysis the legal deficiency of SLORC.

²⁸Under the United Nations Charter, membership is decided by the General Assembly on recommendation of the Security Council. (Article 4). Burma, however is already a member, so presumably the General Assembly's credential committee can decide which government is the true government of Burma and seat that government accordingly.

²⁹Assertions that U.S. obligations under GATT could be at risk are lessened considerably if, as in the case of Burma, economic actions are directed against a violator of the Geneva Conventions and other international human rights standards that all member States in the United Nations pledge to uphold.



participation the NCGUB and the Karenni State in any discussion of Burma.³⁰

4. The United States should cooperate with the United Nations Secretary-General and his good offices in seeking immediate resolution of the situation in Burma, including the armed conflicts.

5. The United States should call on its businesses to refrain from any economic activity in Burma that favors SLORC. United States businesses are in aggregate the second largest investors in that country, and many of these businesses may be unaware of the humanitarian law implications for them.

6. In addition to diplomatic ties with the NCGUB, the United States should seek regular and cooperative support for the combined opposition groups and for the Karenni State and should consult with them on a regular basis.

7. To foster adequate human rights reporting at the United Nations regarding the situation in Burma, the United States should make a voluntary contribution to the United Nations Human Rights Division and provide any impartial assistance the Special Rapporteur or other UN functionaries require. The United States should forward relevant communications to the Rapporteur and the Human Rights staff. A voluntary contribution should also be made to the United Nations High Commission for Refugees to aid the many victims.

³⁰UN Charter Article 32 provides that non-member states involved in a dispute under consideration "shall be invited to participate, without a vote." (Emphasis added).

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